# ATTACHMENT I

## Zoning Resolution Z-03-067

RESOLUTION NUMBER Z-03-067

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

WHEREAS, an application was filed by the property owner, Lee County Board of County Commissioners and Estero Lakes Development II, Inc., to rezone 65.31± acres from Agricultural (AG-2) and Residential Planned Development (RPD) to Community Facilities (CF-2), in reference to Estero Community Park; and

WHEREAS, a public hearing was advertised and held on December 3, 2003, before the Lee County Zoning Hearing Examiner, who gave full consideration to the evidence in the record for Case #REZ2003-00016; and

WHEREAS, a second public hearing was advertised and held on February 2, 2004, before the Lee County Board of Commissioners, who gave full and complete consideration to the recommendations of the staff, the Hearing Examiner, the documents on record and the testimony of all interested persons.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS:

SECTION A. REQUEST

The applicant filed a request to rezone 65.31± acres from AG-2 and RPD to CF-2, to allow the development of a 55± acre community park and a 10± acre elementary school. The property is located in the Suburban and Public Facilities Land Use Category and is legally described in attached Exhibit A. The request is APPROVED.

SECTION B. EXHIBITS AND STRAP NUMBER:

The following exhibits are attached to this resolution and incorporated by reference:

Exhibit A: The legal description of the property
Exhibit B: Zoning Map (with the subject parcel indicated)

The applicant has indicated that the STRAP numbers for the subject property are: 34-46-25-01-0000C.017A; 34-46-25-01-0000C.0190; and 34-46-25-01-0000C.0200

SECTION C. FINDINGS AND CONCLUSIONS:

1. The applicant has proven entitlement to the rezoning by demonstrating compliance with the Lee Plan, the LDC, and any other applicable code or regulation.



02/02/04

2. The rezoning, as approved:

   a. meets or exceeds all performance and locational standards set forth for the potential uses allowed by the request; and,

   b. is consistent with the densities, intensities and general uses set forth in the Lee Plan; and,

   c. is compatible with existing or planned uses in the surrounding area; and,

   d. will not place an undue burden upon existing transportation or planned infrastructure facilities and will be served by streets with the capacity to carry traffic generated by the development; and,

   e. will not adversely affect environmentally critical areas or natural resources.

3. Urban services, as defined in the Lee Plan, are, or will be, available and adequate to serve the proposed land use.

The foregoing resolution was adopted by the Lee County Board of Commissioners upon the motion of Commissioner Ray Judah, seconded by Commissioner Andrew W. Coy and, upon being put to a vote, the result was as follows:

| | |
|---|---|
| Robert P. Janes | Absent |
| Douglas R. St. Cerny | Aye |
| Ray Judah | Aye |
| Andrew W. Coy | Aye |
| John E. Albion | Aye |

DULY PASSED AND ADOPTED this 2nd day of February, 2004.

ATTEST:
CHARLIE GREEN, CLERK

BY: _____
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: _____
Chairman

SEAL

Approved as to form by:

RECEIVED
MINUTES OFFICE
2004 FEB -9 AM 9:19

_____
County Attorney's Office

CASE NO:REZ2003-00016

**TRASK ASSOCIATES, INC.**

(239)494-2335 phone
(239)694-2355 fax
ktrask@traskassociates.com

s u r v e y o r s
Florida Licensed Business No. LB7136

11543 Charlies Terrace
Fort Myers, FL 33907

DESCRIPTION OF A PARCEL LYING IN
SECTION 34, T-46-S, R-25-E,
LEE COUNTY, FLORIDA.

(BONITA SPRINGS PARK NO. 2 AT ESTERO)

A TRACT OR PARCEL OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF LEE, LYING IN SECTION 34, TOWNSHIP 46 SOUTH, RANGE 25 EAST, BEING A PART OF BLOCK C, FLORIDA GULF LAND COMPANY SUBDIVISION, PLAT BOOK 1, PAGE 59, LEE COUNTY PUBLIC RECORDS, AND BEING FURTHER BOUNDED AND DESCRIBED AS FOLLOWS:

BEGINNING AT THE WEST ONE QUARTER CORNER OF SAID SECTION 34; THENCE N.89°53'59"E. ALONG THE BOUNDARY OF THE PARCEL AS DESCRIBED IN OFFICIAL RECORDS BOOK 2851, PAGE 1152, SAID PUBLIC RECORDS, AND THE EAST-WEST ONE QUARTER SECTION LINE OF SAID SECTION 34, FOR 657.71 FEET; THENCE N.01°08'36"W., ALONG SAID BOUNDARY FOR 653.15 FEET; THENCE N.89°57'41"E. ALONG SAID BOUNDARY AND THE NORTH LINE OF LOTS 33 AND 34, BLOCK C, SAID FLORIDA GULF LAND COMPANY SUBDIVISION, FOR 1330.59 FEET; THENCE S.01°07'26"E., ALONG SAID BOUNDARY AND THE EAST LINE OF SAID LOT 33, BEING THE WEST LINE OF RIVER RANCH ESTATES SUBDIVISION, PLAT BOOK 30, PAGE 60, SAID PUBLIC RECORDS, FOR 651.71 FEET; THENCE S.01°08'58"E. ALONG SAID BOUNDARY AND THE EAST LINE OF LOT 22, SAID BLOCK C, FOR 651.57 FEET; THENCE S.89°53'37"W., ALONG SAID BOUNDARY AND THE SOUTH LINE OF THE NORTH ONE HALF OF LOTS SAID LOT 22 AND LOT 21, SAID BLOCK C, FOR 662.59 FEET; THENCE S.01°09'23"E., ALONG THE EAST LINE OF LOT 20, SAID BLOCK C, FOR 661.64 FEET; THENCE S.89°53'16"W., ALONG THE SOUTH LINE OF SAID LOT 20 AND LOT19, SAID BLOCK C, FOR 643.44 FEET; THENCE S.00°52'34"E., ALONG THE BOUNDARY OF THE PARCEL AS DESCRIBED IN OFFICIAL RECORDS BOOK 3028, PAGE 3722, SAID PUBLIC RECORDS, AND THE EAST LINE OF LOT 15, SAID BLOCK C, FOR 60.08 FEET; THENCE N.63°55'36"W., ALONG SAID BOUNDARY, FOR 60.00 FEET; THENCE N.27°07'06"W., ALONG SAID BOUNDARY, FOR 60.15 FEET; THENCE S.89°53'16"W., ALONG THE BOUNDARY OF SAID PARCEL AS DESCRIBED IN OFFICIAL RECORDS BOOK 2851, PAGE 1152, AND THE SOUTH LINE OF LOT 16, SAID BLOCK C, FOR 270.23 FEET; THENCE N.01°10'03"W., ALONG SAID BOUNDARY AND THE WEST LINE OF SAID LOT 16, FOR 651.75 FEET; THENCE S.89°53'37"W., ALONG SAID BOUNDARY AND THE NORTH LINE OF THE SOUTH ONE HALF OF LOT 17, SAID BLOCK C, FOR 331.30 FEET; THENCE N.01°10'17"W., ALONG SAID BOUNDARY AND THE WEST LINE OF THE SOUTHWEST ONE QUARTER OF SAID SECTION 34 FOR 661.78 FEET TO THE POINT OF BEGINNING.

PARCEL CONTAINS 2844813 SQUARE FEET OR 65.31 ACRES, MORE OR LESS.

THE WEST LINE OF THE SOUTHWEST ONE QUARTER OF SECTION 34, TOWNSHIP 46 SOUTH, RANGE 25 EAST IS BEARING N.01°10'17"W.

TRASK ASSOCIATES, INC.
KENNETH TRASK
PROFESSIONAL SURVEYOR
FLORIDA LICENSE NO. LS4684

MAY 23, 2003
RFZ 2003-00016

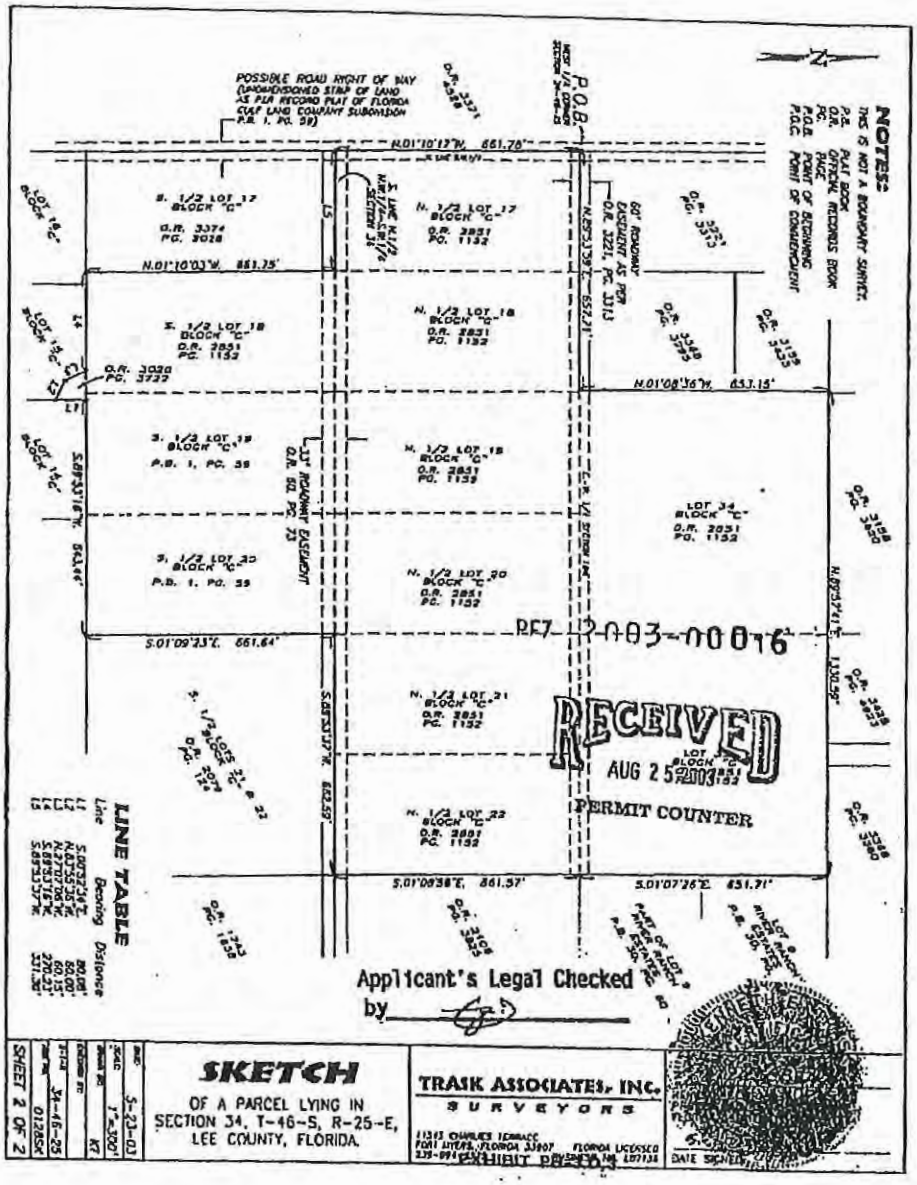
RECEIVED
AUG 25 2003
PERMIT COUNTER

Applicant's Legal Checked
by GM

SHEET 1 OF 2

EXHIBIT PH-3.C.1

## EXHIBIT A


NOTES:
THIS IS NOT A BOUNDARY SURVEY.
P.B. = PLAT BOOK
O.R. = OFFICIAL RECORDS BOOK
PG. = PAGE
P.O.B. = POINT OF BEGINNING
P.O.C. = POINT OF COMMENCEMENT
POSSIBLE ROAD RIGHT OF WAY (UNDOCUMENTED STRIP OF LAND AS PER RECORD PLAT OF FLORIDA CROP LAND COMPANY SUBDIVISION P.B. 1, PG. 39)
P.O.B.
N.01°10'17"W. 661.78'
S. 1/2 LOT 17 BLOCK "C" O.R. 3374 PG. 3028
N. 1/2 LOT 17 BLOCK "C" O.R. 2851 PG. 1132
N.01°10'03"W. 661.75'
S. 1/2 LOT 18 BLOCK "C" O.R. 2851 PG. 1132
N. 1/2 LOT 18 BLOCK "C" O.R. 2851 PG. 1132
O.R. 3038 PG. 3727
N.01°08'36"W. 653.15'
S. 1/2 LOT 19 BLOCK "C" P.B. 1, PG. 39
N. 1/2 LOT 19 BLOCK "C" O.R. 2851 PG. 1132
LOT 34 BLOCK "C" O.R. 2851 PG. 1132
S. 1/2 LOT 20 BLOCK "C" P.B. 1, PG. 39
N. 1/2 LOT 20 BLOCK "C" O.R. 2851 PG. 1132
S.01°09'23"E. 661.64'
REZ 2003-00016
RECEIVED
AUG 25 2003
PERMIT COUNTER
N. 1/2 LOT 21 BLOCK "C" O.R. 2851 PG. 1132
LOT 35 BLOCK "C" O.R. 2851 PG. 1132
N. 1/2 LOT 22 BLOCK "C" O.R. 2851 PG. 1132
S.01°09'38"E. 661.37'
S.01°07'26"E. 651.71'
LINE TABLE
Line Bearing Distance
L1 S.00°53'34"E. 80.00'
L2 N.01°55'35"W. 80.00'
L3 N.47°07'04"W. 60.13'
L4 S.89°53'19"W. 22.00'
L5 S.89°53'19"W. 664.44'
Applicant's Legal Checked by
SKETCH
OF A PARCEL LYING IN SECTION 34, T-46-S, R-25-E, LEE COUNTY, FLORIDA.
TRASK ASSOCIATES, INC.
SURVEYORS
EXHIBIT "B"
SHEET 2 OF 2
S-23-03
1"=300'
34-46-25
012SSK

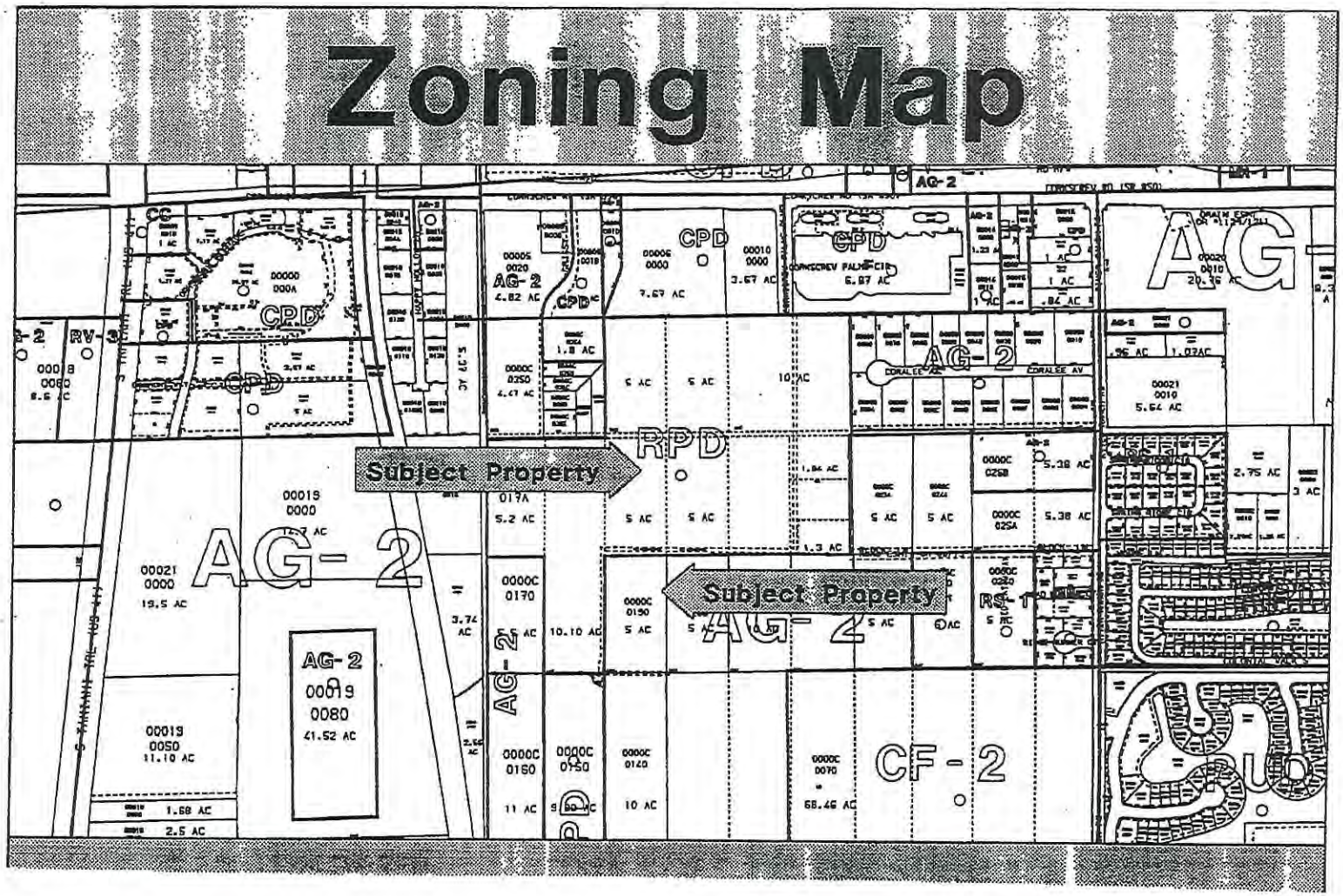

Zoning Map
Subject Property
Subject Property
AG-2
CPD
RPD
CF-2
RV-3
AG-2
00019
0080
41.52 AC
00021
0000
19.5 AC
00019
0050
11.10 AC
00021
0010
5.64 AC
00000
000A
00005
0020
4.82 AC
00006
0000
7.67 AC
00010
0000
3.67 AC
00000C
0250
4.47 AC
00000C
0170
10.10 AC
00000C
0160
11 AC
00000C
0150
00000C
0140
10 AC
00000C
0070
68.46 AC
00000C
0250
5.38 AC
00000C
025A
5.38 AC
2.75 AC
3 AC
1.68 AC
2.5 AC
3.74 AC
2.56 AC
5.2 AC
5 AC
10 AC
1.3 AC
1.84 AC
1.8 AC
1.07AC
.96 AC
CORALEE AV
CORNSCREV PALM CIR
6.87 AC
1 AC
.84 AC
1.23 AC
RS-1
5 AC
6 AC
CC
CC

EXHIBIT "B"

# ATTACHMENT J

## CSX Railroad Letter

CSX
REAL PROPERTY

RECEIVED
OCT 24 2014
COMMUNITY DEVELOPMENT

6737 Southpoint Drive South
S/C J915
Jacksonville, FL 32216-6177
(904) 279-3646
Fax (904) 357-7855
damien_d'anna@csx.com

**Damien D'Anna**
Regional Manager

October 20, 2014

RECEIVED
OCT 24 2014
COMMUNITY DEVELOPMENT

Mr. Alvin Block, AICP
Department of Community Development – Zoning Division
Lee County
P.O. Box 398
Fort Myers, Florida 33902-0398

**Re: Rezoning Request – 18.53 Acres**
**VIA COCONUT MPD**
**Case Number DC12014-00023**
**Lee County, FL**

Dear Mr. Block:

We are in receipt of your Courtesy Notice regarding the rezoning proposal to be presented at a later date.

Based on your information as to the location of the proposed development, we believe it to be adjacent to our railroad right of way. We have concerns regarding the rezoning from Agricultural Districts, AG-2 and Community Facilities Districts, CF-2 to Mixed Use Planned Development, MPD to allow for development of up to 297 dwelling units. Safety is CSX's number one priority and the potential addition of residential units adjacent to active railroad tracks raises cause for concern.

Additionally, it has been CSX's experience that residents near active railroad tracks are often unhappy with the associated noise of rail operations. Trains use the tracks 24 hours a day, and the number and schedule of trains can change at any time due to business needs and many other factors. Furthermore, Federal law requires that trains must sound their horns at all highway at-grade rail crossings. Vibration and noise from passing trains are also inherent to railroad operations and should be taken into account regarding any new residential development. Residential developments that have been built adjacent to pre-existing railroad operations have led to numerous complaints to local officials from residents in these homes. Any potential homebuyer should be made aware of these conditions prior to purchasing lots and or homes in this area should the commission approve the zoning change.

Should the Department of Community Development elect to approve the rezoning despite our concerns, we ask that you consider placing a 50 foot buffer between any residential development and the rail right of way in addition to fencing the common property line between the operating track and any development.

We appreciate the opportunity to express our objections and concerns, and request that you enter our comments into the public record. Thank you.

Sincerely,

Damien D'Anna

# ATTACHMENT K

## Lee County Environmental Comments

**MEMORANDUM**
**FROM**
**DEPARTMENT OF COMMUNITY DEVELOPMENT**
**DEVELOPMENT SERVICES SECTION**

**Date:** **December 14, 2015**

**To:** **Alvin 'Chip' Block, Principal Planner**

**From:** **Beth Workman, Environmental Planner**
**Phone: (239) 533-8793**
**E-mail: EWorkman@leegov.com**

**Project:** **Via Coconut MPD**
**Case:** **DCI2014-00023**
**STRAP:** **33-46-25-00-00018.0090 & others**

The Development Services staff has reviewed the proposed DCI2014-00023 as it pertains to landscaping, open space, and protected species for the rezoning of the parcels from Agricultural (AG-2) and Community Facilities (CF-2) to Mixed Planned Development (MPD) and offers the following analysis and conditions as a recommendation to the Village of Estero:

**VEGETATION:**
The existing site is disturbed and over the years has been used for agricultural purposes. It currently has an agricultural exemption (affidavit provided by applicant). The Florida Land Use and Cover Classification (FLUCCS) for the subject parcel are FLUCCS 740/214 Disturbed Land/Row Crops and FLUCCS 740/210 Disturbed Land/Cropland-Pastureland. Susie Derheimer with Lee County Division of Environmental Sciences did a site inspection to verify the FLUCCS on January 9, 2015.

**PROTECTED SPECIES:**
A protected species survey was conducted by Boylan Environmental Consultants, Inc. in December of 2004. The survey revealed one active gopher tortoise on the site. During Susie Derheimer's site visited conducted on January 9, 2015 no listed species were found. Since this site has been used for agricultural purposes over the years, the tortoise may have been displaced.

**OPEN SPACE:**
Per Land Development Code (LDC) 34-935(g)(5), Mixed Use Planned Developments (MPD) must provide the amount of applicable open space set forth in sections LDC 34-935(g)(1-4).

Therefore, the subject parcel is proposing a mixed use of Commercial and Residential. The Commercial portion of the development (2.03 ac) must provide 30% open space and the Residential portion of the development (16.5 ac) must provide 40% open space. The Master Concept Plan (MCP) provides the breakdown of open space required and provided. Lee County Development Services staff provides the following condition pertaining to open space:

> ***Prior to development order approval, the development order plans must show 0.65 acres of open space for the commercial portion and 6.60 acres of open space for the residential portion of the project.***

**INDIGENOUS PRESERVATION:**
The FLUCCS shows that the site does not contain indigenous open space.

**BUFFERS:**
The buffers will comply with the Estero Planning Community landscaping buffers per LDC 33-351. However, a portion of the property is designed to build an internal road within 125 feet from single family residential properties. The applicant has requested a deviation.

**DEVIATION:**
The applicant has requested a deviation from LDC 10-416(d)(6) which requires a solid wall or combination berm and solid wall not less than eight feet in height to be constructed not less than 25 feet from the abutting property and landscaped between the wall and the abutting property with a minimum five trees and 18 shrubs per 100 linear feet; or a 30 foot wide Type F buffer with the hedge planted a minimum of 20 feet from the abutting property line where roads, drives or parking areas are located less than 125 feet from existing activities that generate noise; TO ALLOW a buffer consisting of Type F buffer planting in a 15 to 20 foot wide planting area, supplemented with an eight foot wall as depicted on the MCP where commercial areas abut three single family residences. Staff defers to zoning staff for compatibility but offer the following condition:

> ***Prior to development order approval, the development order must depict a 20 foot wide Type F buffer with an eight foot wall setback 20 feet from the property line.***

# ATTACHMENT L

## Lee County DOT Comments

LEE COUNTY
SOUTHWEST FLORIDA

**DEPARTMENT OF TRANSPORTATION**

# Memo

To: Chip Block, Principal Planner
Zoning Division

From: Lili Wu
Sr. Transportation Planner

Date: April 27, 2015

**Subject: Via Coconut MPD (DCI2014-00023)**

---

The Lee County Department of Transportation (LCDOT) has reviewed the application for public hearing. This project is located at the southwest corner of the intersection of Corkscrew Rd/Via Coconut Point. Accesses to the project will be provided by proposed four driveways on Via Coconut Point. The most north entrance and the most south entrance are limited as right-in/right-out only driveways. Via Coconut Point is a county maintained collector. Lee County DOT have no objection to the application.

cc: File

# ATTACHMENT M

## Lee County Development Services

## TIS Comments

Lee County
Southwest Florida

**Department of Community Development**
**Development Services Section**

# *MEMORANDUM*

**Date:** December 23, 2015

**To:** A. Block
Principal Planner

**From:** M. Evans ME.
Senior Engineer

**Subject:** **Via Coconut Mixed-Use Planned Development (MPD)**
**Transportation-Related Analysis and Recommendations**
Case No. DCI2014-00023

## *Location and Access*

The approximately 18.53-acre subject site is located on the west side of Via Coconut Point between Williams Road and Corkscrew Road in the Village of Estero. Access to the site is shown on the applicant's Master Concept Plan (MCP) via four direct connections to Via Coconut Point. The applicant's traffic study assumes that the northernmost and southernmost connections to Via Coconut Point will have limited right-in/right-out access only, while the other two connections to Via Coconut Point will have full access.

## *Current and Proposed Zoning*

The site is currently undeveloped and conventionally zoned. With the subject case, the applicant proposes to rezone the site to mixed-use planned development (MPD) to permit a maximum commercial intensity of 30,000 ft² in addition to a maximum of 297 multi-family residential units.

## *Trip Generation Review*

The applicant analyzed traffic-related impacts assuming full site build-out with the greatest proposed intense use. As part of the analysis, the applicant reviewed the Institute of Transportation Engineer's (ITE's) *Trip Generation Manual, 9th Edition*, and calculated generated trips in order to assess the traffic impacts of the proposed zoning.

Trip generation calculation results are described in Table 1. Traffic volumes shown in Table 1 are new traffic volumes on the surrounding roadway network, and reflect a reduction for internal capture traffic (traffic interacting between differing uses on the site) and pass-by traffic (non-newly generated traffic already on the roadway network) if applicable.

**Table 1**

New Trip Generation

| Zoning Description | AM Peak Hour | | | PM Peak Hour | | | Daily (2-way) |
|---|---|---|---|---|---|---|---|
| | In | Out | Total | In | Out | Total | |
| New Trips | 53 | 121 | 174 | 146 | 109 | 255 | 3,353 |

***The Lee Plan/Roadway Segment Traffic Operations Level of Service Analysis***

New trips were distributed to the surrounding road network in order to assess the Level of Service (LOS) impacts on sections expected to be significantly impacted by the proposed development. No roadway sections in proximity to the site are expected to be significantly impacted with the addition of the subject-site traffic. Based on a review of traffic volumes in the 2015 Lee County "Concurrency Report" and the most current "Lee County Generalized Peak Hour Directional Service Volumes" table, nearby sections of Corkscrew Road, Via Coconut Point, and US 41 currently operate at LOS "C". Utilizing the 2014 Lee County Traffic Count Report and assuming a project build-out year of 2020, the future background traffic volumes on Corkscrew Road, Via Coconut Point, and US 41 are estimated at 730, 279, and 1,972 peak hour, peak direction trips respectively, corresponding to a LOS "C". Once the project build-out traffic is added to these sections, all are estimated to operate at LOS "C". Based on the LOS standards as set forth in *The Lee Plan* for "unconstrained" roadway sections such as those on Corkscrew Road, Via Coconut Point, and US 41, LOS "C" is an acceptable Level of Service. No roadway link improvements are expected to be required to accommodate the proposed zoning.

The applicant operationally analyzed the intersection of Via Coconut Point with Corkscrew Road, in addition to the other Via Coconut Point South site access intersections. Based upon this analysis, the applicant determined that all of the aforementioned intersection approaches operate at an acceptable level of service under both existing and full build-out conditions. Turn lanes may be required to accommodate higher levels of turning traffic. At the time of local development order review, the intersections will be further evaluated to determine what site-related traffic improvements are required to accommodate proposed development.

***Applicant Proposed Deviation Review and Conditions***

Development Services Section (DSS) staff reviewed the applicant's proposed traffic-related deviations for the subject case.

Deviation #1 requests relief from the requirements of the *Land Development Code* (LDC) Section 10-296(b) which specifies the standard right-of-way widths for privately-maintained streets. The applicant appears to suggest that since the maximum 297-multi-family-residential portion of development is serviced by 3 driveway accesses to Via Coconut Point, the intent of LDC Section 10-296(r) is met in that the street will provide access to 100 or fewer units. In review of the MCP, it seems likely that the

majority of the residents will use the 2 southernmost accesses to Via Coconut Point, while a small portion will use the second access to Via Coconut Point located to the south of Corkscrew Road. In addition to the residential use of the two middle access points to Via Coconut Point, it is likely that commercial-use traffic will also use the un-gated internal street network. For the aforementioned reasons and the fact that the applicant has not provided sufficient justification as to design constraints that limit the ability to meet the provisions of the LDC, DSS staff **recommends denial** of this deviation.

Deviation #6 requests relief from the requirements of LDC Section 34-2020(a) which requires a minimum of 2 parking spaces per multi-family residential unit. Since the applicant has provided no evidence that "one bedroom units are not as likely to house two people"(1) along with the related assumption that 50% or more of one-bedroom units will only require space for parking a single vehicle, and the applicant has not provided sufficient justification as to design constraints that limit the ability to construct the required number of parking spaces, DSS staff **recommends denial** of the deviation.

(1) Via Coconut MPD "Schedule of Deviations & Justifications", page 2 of 3, dated March 29, 2015.

MJE:mje

Copy: file

# ATTACHMENT N

## School District of Lee County Comments

# THE SCHOOL DISTRICT OF LEE COUNTY

2855 COLONIAL BLVD. ♦ FORT MYERS, FLORIDA 33966 ♦ WWW.LEESCHOOLS.NET

DAWN HUFF
LONG RANGE PLANNER
239-337-8142
DAWNMHU@LEESCHOOLS.NET



CATHLEEN O'DANIEL MORGAN
CHAIRMAN, DISTRICT 3

MARY FISCHER
VICE CHAIRMAN, DISTRICT 1

JEANNE S. DOZIER
DISTRICT 2

DON H. ARMSTRONG
DISTRICT 4

THOMAS SCOTT
DISTRICT 5
(NOV. 19, 2010 – SEPT. 26, 2014)

NANCY J. GRAHAM, ED.D
SUPERINTENDENT

KEITH B. MARTIN, ESQ.
BOARD ATTORNEY


October 8, 2014

Alvin Block, AICP
Lee County Development Services Division
P.O. Box 398
Fort Myers, FL 33902-0398

RE: Via Coconut MPD
Case # DCI2014-00023

Dear Mr. Block:

This letter is in response to your request dated October 1, 2014 for the Via Coconut MPD proposed development for sufficiency comments in reference to the educational impact. This proposed development is located in the South Choice Zone, Sub Zone S-3.

The Developers request states there is a possibility of 297 multi-family dwellings. With regard to the inter-local agreement for school concurrency the generation rates are created from the type of dwelling unit and further broken down by grade level.

For multi-family the generation rate is .091 with the following break-down, .046 for elementary, .022 for middle and .023 for high. A total of 28 school-aged children would be generated and utilized for the purpose of determining sufficient capacity to serve the development. Currently within the School District there are sufficient seats available to serve this need.

Thank you for your attention to this issue. If I may be of further assistance, please call me at (239) 337-8142.

Sincerely,

Dawn Huff

Dawn Huff, Long Range Planner
Planning Department

# LEE COUNTY SCHOOL DISTRICT'S SCHOOL CONCURRENCY ANALYSIS

| | |
|---|---|
| REVIEWING AUTHORITY | Lee School District |
| NAME/CASE # | Via Coconut MPD/DCI2014-00023 |
| OWNER/AGENT | Stephanie Miller TR |
| ITEM DESCRIPTION | All impacts in South CSA, sub area 53 |
| LOCATION | East of South Tamiami Trl, North of Coconut Rd |
| ACRES | 18.53 ac |
| CURRENT FLU | Suburban (S) |
| CURRENT ZONING | Agricultural (AG2) |

PROPOSED DWELLING UNITS BY TYPE

| Single Family | Multi Family | Mobile Home |
|---|---|---|
| 0 | 297 | 0 |

| | Student Generation Rates | | | |
|---|---|---|---|---|
| STUDENT GENERATION | SF | MF | MH | Projected Students |
| Elementary School | | 0.046 | | 13.66 |
| Middle School | | 0.022 | | 6.53 |
| High School | | 0.023 | | 6.83 |

Source: Lee County School District, October 8, 2014 letter

| CSA SCHOOL NAME 2017/18 | CSA Capacity (1) | CSA Projected Enrollment (2) | CSA Available Capacity | Projected Impact of Project | Available Capacity W/Impact | LOS is 100% Perm FISH Capacity | Adjacent CSA Available Capacity w/Impact |
|---|---|---|---|---|---|---|---|
| South CSA, Elementary | 12,229 | 11,185 | 1,044 | 14 | 1030 | 92% | |
| South CSA, Middle | 5,621 | 5,156 | 465 | 7 | 458 | 92% | |
| South CSA, High | 8,021 | 8,294 | -273 | 7 | -280 | 103% | |

(1) Permanent Capacity as defined in the Interlocal Agreement and adopted in the five (5) years of the School District's Five Year Plan

(2) Projected Enrollment per the five (5) years of the School District's Five Year Plan plus any reserved capacity (development has a valid finding of capacity )

Prepared by: Dawn Huff, Long Range Planner

# ATTACHMENT O

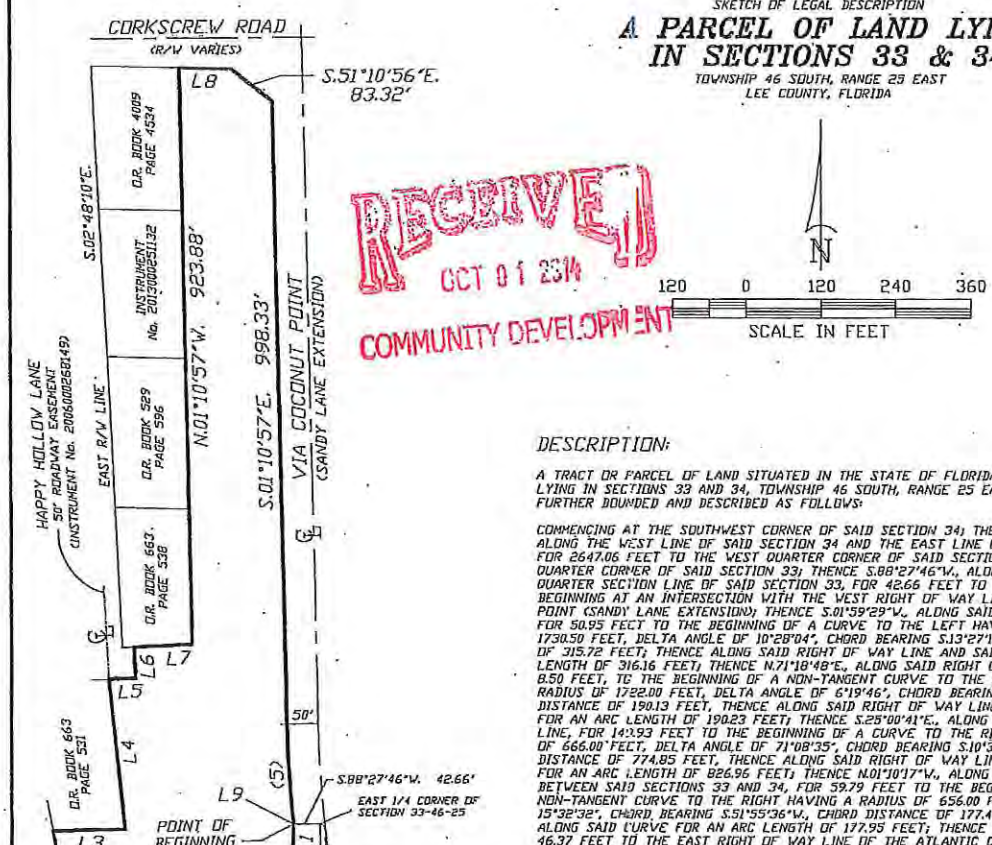
## Legal Description

DCI 2014-00023

SKETCH OF LEGAL DESCRIPTION

# A PARCEL OF LAND LYING IN SECTIONS 33 & 34

TOWNSHIP 46 SOUTH, RANGE 25 EAST
LEE COUNTY, FLORIDA




RECEIVED
OCT 01 2014
COMMUNITY DEVELOPMENT

## DESCRIPTION:

A TRACT OR PARCEL OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF LEE, LYING IN SECTIONS 33 AND 34, TOWNSHIP 46 SOUTH, RANGE 25 EAST, AND BEING FURTHER BOUNDED AND DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 34; THENCE N.01°10'17"W., ALONG THE WEST LINE OF SAID SECTION 34 AND THE EAST LINE OF SAID SECTION 33, FOR 2647.06 FEET TO THE WEST QUARTER CORNER OF SAID SECTION 34 AND THE EAST QUARTER CORNER OF SAID SECTION 33; THENCE S.88°27'46"W., ALONG THE EAST-WEST QUARTER SECTION LINE OF SAID SECTION 33, FOR 42.66 FEET TO THE POINT OF BEGINNING AT AN INTERSECTION WITH THE WEST RIGHT OF WAY LINE OF VIA COCONUT POINT (SANDY LANE EXTENSION); THENCE S.01°59'29"W., ALONG SAID RIGHT OF WAY LINE, FOR 50.95 FEET TO THE BEGINNING OF A CURVE TO THE LEFT HAVING A RADIUS OF 1730.50 FEET, DELTA ANGLE OF 10°28'04", CHORD BEARING S.13°27'10"E., CHORD DISTANCE OF 315.72 FEET; THENCE ALONG SAID RIGHT OF WAY LINE AND SAID CURVE FOR AN ARC LENGTH OF 316.16 FEET; THENCE N.71°18'48"E., ALONG SAID RIGHT OF WAY LINE, FOR 8.50 FEET, TO THE BEGINNING OF A NON-TANGENT CURVE TO THE LEFT HAVING A RADIUS OF 1722.00 FEET, DELTA ANGLE OF 6°19'46", CHORD BEARING S.21°51'05"E., CHORD DISTANCE OF 190.13 FEET, THENCE ALONG SAID RIGHT OF WAY LINE AND SAID CURVE FOR AN ARC LENGTH OF 190.23 FEET; THENCE S.25°00'41"E., ALONG SAID RIGHT OF WAY LINE, FOR 149.93 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT HAVING A RADIUS OF 666.00 FEET, DELTA ANGLE OF 71°08'35", CHORD BEARING S.10°33'37"W., CHORD DISTANCE OF 774.85 FEET, THENCE ALONG SAID RIGHT OF WAY LINE AND SAID CURVE FOR AN ARC LENGTH OF 826.96 FEET; THENCE N.01°10'17"W., ALONG SAID SECTION LINE BETWEEN SAID SECTIONS 33 AND 34, FOR 59.79 FEET TO THE BEGINNING OF A NON-TANGENT CURVE TO THE RIGHT HAVING A RADIUS OF 656.00 FEET, DELTA ANGLE OF 15°32'32", CHORD BEARING S.51°55'36"W., CHORD DISTANCE OF 177.40 FEET, THENCE ALONG SAID CURVE FOR AN ARC LENGTH OF 177.95 FEET; THENCE S.59°41'52"W. FOR 46.37 FEET TO THE EAST RIGHT OF WAY LINE OF THE ATLANTIC COASTLINE RAILROAD; THENCE N.10°29'38"W., ALONG SAID RIGHT OF WAY LINE, FOR 1517.38 FEET; THENCE N.88°27'46"E., ALONG SAID EAST-WEST QUARTER SECTION LINE OF SAID SECTION 33, FOR 115.19 FEET; THENCE N.06°32'20"W. FOR 241.72 FEET TO A POINT ON THE SOUTH RIGHT OF WAY LINE OF HAPPY HOLLOW LANE (ROADWAY EASEMENT PER INSTRUMENT NUMBER 2006000268149); THENCE N.87°11'50"E. ALONG SAID RIGHT OF WAY LINE FOR 45.00 FEET; THENCE N.02°48'10"W. ALONG THE EAST LINE OF SAID RIGHT OF WAY FOR 50.00 FEET; THENCE N.87°11'50"E. FOR 94.03 FEET; THENCE N.01°10'57"W. FOR 923.88 FEET TO A POINT ON THE SOUTH RIGHT OF WAY LINE OF CORKSCREW ROAD; THENCE S.88°36'12"E., ALONG SAID RIGHT OF WAY LINE, FOR 84.25 FEET; THENCE S.51°10'56"E., ALONG SAID RIGHT OF WAY LINE, FOR 83.32 FEET TO THE WEST RIGHT OF WAY LINE OF VIA COCONUT POINT (SANDY LANE EXTENSION); THENCE S.01°10'57"E., ALONG SAID RIGHT OF WAY LINE, FOR 998.33 FEET TO THE BEGINNING OF A CURVE TO THE LEFT HAVING A RADIUS OF 1722.00 FEET, DELTA ANGLE OF 5°19'22", CHORD BEARING S.03°50'38"E., CHORD DISTANCE OF 159.92 FEET; THENCE ALONG SAID RIGHT OF WAY LINE AND SAID CURVE FOR AN ARC LENGTH OF 159.98 FEET; THENCE S.01°59'29"W., ALONG SAID RIGHT OF WAY LINE, FOR 1.37 FEET TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINS 807,056.190 SQUARE FEET, OR 18.527 ACRES, MORE OR LESS.

BEARINGS ARE BASED ON THE WEST LINE OF SECTION 34 AS BEARING N.01°10'17"W.

Applicant's Legal Checked
by BS 12/12/14

## CURVE TABLE

| NO. | RADIUS | DELTA | ARC | CHORD | CHORD BEARING |
|---|---|---|---|---|---|
| 1 | 1730.50' | 10°28'04" | 316.16' | 315.72' | N.13°27'10"W. |
| 2 | 1722.00' | 06°19'46" | 190.23' | 190.13' | N.21°51'05"W. |
| 3 | 666.00' | 71°08'35" | 826.96' | 774.85' | S.10°33'37"W. |
| 4 | 656.00' | 15°32'32" | 177.95' | 177.40' | S.51°55'36"W. |
| 5 | 1722.00' | 05°19'22" | 159.98' | 159.92' | N.03°50'38"W. |

## LINE TABLE

| Line | Bearing | Distance |
|---|---|---|
| L1 | S.01°59'29"W. | 50.95' |
| L2 | N.71°18'48"E. | 8.50' |
| L3 | N.88°27'46"E. | 115.19' |
| L4 | N.06°32'20"W. | 241.72' |
| L5 | N.87°11'50"E. | 45.00' |
| L6 | N.02°48'10"W. | 50.00' |
| L7 | N.87°11'50"E. | 94.03' |
| L8 | S.88°36'12"E. | 84.25' |
| L9 | S.01°59'29"W. | 1.37' |

| REVISED | DESCRIPTION | BY |
|---|---|---|
| | | |

DATE OF LAST FIELD WORK: N/A

| DRAWN | CHECK | SCALE | PROJ. # |
|---|---|---|---|
| FBH | PHH | 1"=240' | 140663 SLD |
| SURVEY DATE | FILE NO. | SHT.- 1 | |
| 7/21/14 | 46-25-33 | OF - 3 | |

Phillip M Mould
JULY 21, 2014

PHILLIP M. MOULD
PROFESSIONAL SURVEYOR AND MAPPER
#6515 - STATE OF FLORIDA

HARRIS-JORGENSEN, INC.
3046 DEL PRADO BLVD. S. 3A
CAPE CORAL, FLORIDA 33904
PHONE: (239) 257-2624
FAX: (239) 257-2921

NOTE: LEGAL DESCRIPTION PER TITLE OPINION IS LOCATED ON SHEET 2.
NOTE: THIS SURVEY IS FOR THE USE AND BENEFIT OF LEE COUNTY.

## LINE TABLE

| Line | Bearing | Distance |
|---|---|---|
| L1 | S.01°59'29"W. | 1.37' |
| L2 | S.01°59'29"W. | 50.95' |
| L3 | N.71°18'48"E. | 8.50' |
| L4 | S.88°36'12"E. | 84.25' (S) |
| L4 | N.88°36'12"W. | 84.26' (D) |
| L5 | S.88°27'46"E. | 42.66' (S) |
| L5 | S.88°26'11"W. | 42.45' (D) |
| L6 | S.01°10'56"E. | 62.83' (D) |
| L7 | N.01°10'56"W. | 7.40' (D) |
| L8 | N.89°33'41"E. | 148.01' (D) |

SURVEY NOTES:

1. BASIS OF BEARING SHOWN HEREON TAKEN FROM THE WEST LINE OF SECTION 34-46-25, AS BEING N01°09'57"W.
2. FIELD NOTES IN SECTION 33-46-25.
3. THIS CERTIFICATION IS ONLY FOR LANDS DESCRIBED HEREON. IT IS NOT A CERTIFICATION OF TITLE, ZONING OR FREEDOM OF ENCUMBRANCES.
4. THIS SURVEY IS BASED ON TITLE OPINION BY COSTELLO, ROTSTEIN & VICKER, P.A., DATED NOVEMBER 26, 2014, VERIFIED THROUGH NOVEMBER 24, 2014.
5. UNDERGROUND STRUCTURES AND UTILITIES, IF ANY, ARE NOT INCLUDED.
6. THIS MAP/PLAT IS NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.
7. ALL BEARINGS AND DISTANCES ARE PLAT AND MEASURED UNLESS OTHERWISE SHOWN.
8. THIS SURVEY IS INTENDED TO BE VIEWED AS AN 24X36 30 SCALE DRAWING.
9. BENCHMARK DERIVED FROM RITCH-DOT 1153, ELEVATION 23.56 NAVD.
10. ELEVATIONS ARE NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD).

FLOOD ZONE: "X" 75.83%

FLOOD ZONE: "X" 0.2 PERCENT ANNUAL CHANCE FLOOD HAZARD 24.17%
ELEVATION: N/A COMMUNITY No.: 125124
PANEL No.: 0591 SUFFIX — F
REVISION DATE: 8/28/08 MAP NUMBER: 12071C0591F

THIS SURVEY IS CERTIFIED TO:
FOCUS DEVELOPMENT GROUP, LLC
STEPHANIE MILLER TRUSTEE
WILDCAT HOLLOW, LLP
COSTELLO, ROTSTEIN & VICKER, P.A.
OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY

LEGEND:

| | |
|---|---|
| ● | SET 4/8 IRON ROD (CAP LS 11515) |
| ○ | FOUND IRON ROD (I.R.) |
| □ | CONCRETE MONUMENT (C.M.) |
| P.R.M. | PERMANENT REFERENCE MONUMENT |
| P.C.P. | PERMANENT CONTROL POINT |
| P.U.E. | PUBLIC UTILITY EASEMENT |
| D.E. | DRAINAGE EASEMENT |
| L.M.E. | LAKE MAINTENANCE EASEMENT |
| P.C. | POINT OF CURVATURE |
| P.T. | POINT OF TANGENCY |
| O.R. | OFFICIAL RECORDS BOOK |
| (S) | AS PER SURVEY |
| (M) | AS MEASURED |
| (P) | AS PER PLAT |
| (D) | AS PER DEED |
| C1 | CURVE NUMBER |
| L1 | LINE NUMBER |
| R/W | RIGHT-OF-WAY |
| ℄ | CENTERLINE |
| R.W.B. | RECLAIM WATER BOX |
| W.M. | WATER METER |
| W.V. | WATER VALVE |
| F.H. | FIRE HYDRANT |
| O/H | OVERHEAD POWER |
| P.P. | POWER POLE |
| G.A.&W. | GUY ANCHOR & WIRE |
| E.B. | ELECTRIC BOX |
| C.T.B. | CABLE TELEVISION BOX |
| T.S.B. | TELEPHONE SERVICE BOX |
| N/D | NAIL & DISK |
| N/T.T. | NAIL & TIN TAB |
| ELEV. | ELEVATION |
| B.M. | BENCHMARK |
| | TYPICAL ELEVATION |
| A/C | AIR CONDITIONER |
| W.S. | WATER SYSTEM |
| P.E. | POOL EQUIPMENT |
| ▭ | CONCRETE |

JAN 2 0 2015

COMMUNITY DEVELOPMENT

DCI 2014-00023

BOUNDARY & PARTIAL TOPOGRAPHIC SURVEY OF

# A PARCEL OF LAND LYING IN SECTIONS 33 & 34.

TOWNSHIP 46 SOUTH, RANGE 25 EAST
LEE COUNTY, FLORIDA

DESCRIPTION

PARCEL 1

THE EAST 1/3 OF THE EAST HALF OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 33, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, LESS ROAD RIGHT-OF-WAY.

EXCEPTING THEREFROM

THAT PART OF:

THE EAST 150 FEET OF THE EAST 1/2 OF THE SE1/4 OF THE NE1/4 OF SECTION 33, TOWNSHIP 46 SOUTH, RANGE 25 EAST; LYING WITHIN 43 FEET OF THE SURVEY LINE OF STATE ROAD S-850, SECTION 12640, SAID SURVEY LINE BEING DESCRIBED AS FOLLOWS:

BEGIN ON THE WESTERLY BOUNDARY OF THE SE1/4 OF THE NE1/4 OF SECTION 33, TOWNSHIP 46 SOUTH, RANGE 25 EAST AT A POINT 25 FEET SOUTHERLY OF THE NW CORNER OF THE SE1/4 OF THE NE1/4 OF SAID SECTION 33, SAID CORNER BEING 658.00 FEET NORTHERLY OF THE SW CORNER OF THE NW1/4 OF THE SE1/4 OF THE NE1/4 SAID SECTION 33, RUN THENCE NORTH 89°34'54" EAST 1318.30 FEET TO THE EASTERLY BOUNDARY OF SAID SECTION 33 AT A POINT 46.64 FEET SOUTHERLY OF THE NE CORNER OF THE SE1/4 OF THE NE1/4 OF SAID SECTION 33, SAID CORNER BEING 1319.19 FEET NORTHERLY OF THE SE CORNER OF THE NE1/4 OF SAID SECTION 33.

AND FURTHER EXCEPTING THEREFROM THE FOLLOWING TWO (2) DESCRIBED PARCELS:

A PARCEL OF LAND LOCATED IN A PORTION OF SECTION 33, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF SECTION 33, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA; THENCE RUN N01°09'58"W., ALONG THE EAST LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 33, FOR A DISTANCE OF 2,647.30 FEET TO THE NORTHEAST CORNER OF THE SOUTHEAST QUARTER CORNER OF SAID SECTION 33 AND THE POINT OF BEGINNING OF THE PARCEL OF LAND HEREIN DESCRIBED; THENCE RUN S.89°26'11"W., ALONG THE NORTH LINE OF THE SOUTH LINE OF THE NORTHEAST QUARTER OF SAID SECTION 33 FOR A DISTANCE OF 42.45 FEET TO A POINT ON A CIRCULAR CURVE, CONCAVE EASTERLY, WHOSE RADIUS BEARS N80°26'54"E., A DISTANCE OF 1,722.00 FEET THEREFROM; THENCE RUN NORTHERLY ALONG THE ARC OF SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 1,722.00 FEET, THROUGH A CENTRAL ANGLE OF 05°22'59", SUBTENDED BY A CHORD OF 161.31 FEET AT A BEARING OF N06°52'06"W., FOR A DISTANCE OF 161.37 FEET TO THE END OF SAID CURVE; THENCE RUN N01°10'56"W., FOR A DISTANCE OF 1,061.33 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF CORKSCREW ROAD, HAVING A 73.00 FOOT WIDE RIGHT-OF-WAY; THENCE RUN N89°33'41"E., ALONG THE SOUTHERLY RIGHT-OF-WAY LINE OF SAID CORKSCREW ROAD, FOR A DISTANCE OF 33.00 FEET TO A POINT ON THE EAST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 33; THENCE RUN S01°11'56"E., ALONG THE EAST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 33, FOR A DISTANCE OF 1,227.93 FEET, TO THE POINT OF BEGINNING; CONTAINING 1.354 ACRES, MORE OR LESS.

AND

A PARCEL OF LAND LOCATED IN A PORTION OF SECTION 33, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF SECTION 33, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA; THENCE RUN N01°09'58"W., ALONG THE EAST LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 33, FOR A DISTANCE OF 2,647.30 FEET TO THE EAST QUARTER CORNER OF SAID SECTION 33; THENCE RUN N01°11'56"W., ALONG THE EAST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 33, FOR A DISTANCE OF 1,228.00 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF CORKSCREW ROAD, A 100.00 FOOT WIDE RIGHT-OF-WAY; THENCE RUN S89°33'41"W., ALONG THE SOUTHERLY RIGHT-OF-WAY LINE OF SAID CORKSCREW ROAD, FOR A DISTANCE OF 50.00 FEET TO THE POINT OF BEGINNING OF THE PARCEL OF LAND HEREIN DESCRIBED, THE SAME BEING A POINT ON THE PROPOSED WESTERLY RIGHT-OF-WAY LINE OF SANDY LANE, A 100.00 FOOT WIDE PROPOSED RIGHT-OF-WAY, AS DESCRIBED IN O.R. BOOK 4558 AT PAGE 4506 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE RUN S01°10'56"E., ALONG THE PROPOSED WESTERLY RIGHT-OF-WAY LINE OF SAID SANDY LANE, FOR A DISTANCE OF 62.83 FEET; THENCE RUN N51°10'56"W., FOR A DISTANCE OF 33.32 FEET; THENCE RUN N88°35'12"W., FOR A DISTANCE OF 84.25 FEET; THENCE RUN N01°10'56"W., FOR A DISTANCE OF 7.40 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF SAID CORKSCREW ROAD; THENCE RUN N89°33'41"E., ALONG THE SOUTHERLY RIGHT-OF-WAY LINE OF SAID CORKSCREW ROAD, FOR A DISTANCE OF 148.01 FEET TO THE POINT OF BEGINNING; CONTAINING 0.070 ACRE, MORE OR LESS.

PARCEL 2

A TRACT OR PARCEL OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF LEE, LYING IN THE SOUTHEAST QUARTER OF SECTION 33, TOWNSHIP 46 SOUTH, RANGE 25 EAST BEING FURTHER BOUNDED AND DESCRIBED AS FOLLOWS:

BEGIN AT A CONCRETE MONUMENT MARKING THE EAST QUARTER CORNER OF SECTION 33 AND THE WEST QUARTER CORNER OF SECTION 34, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA; THENCE S89°26'48"W., ALONG THE NORTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 33 A DISTANCE OF 420.16 FEET TO A POINT ON THE EASTERLY LINE OF THE ATLANTIC COAST LINE RAILROAD RIGHT OF WAY, AS PER THE RIGHT OF WAY MAP THEREOF, DATED DECEMBER 6, 1923; THENCE S17°17'47"E., ALONG SAID EASTERLY RIGHT OF WAY LINE A DISTANCE OF 669.75 FEET; THENCE N87°35'42"E. A DISTANCE OF 215.66 FEET TO A POINT ON THE EAST LINE OF SAID SOUTHEAST QUARTER; THENCE N01°09'41"E., ALONG SAID EAST LINE A DISTANCE OF 661.59 FEET TO THE POINT OF BEGINNING.

LESS AND EXCEPTING THEREFROM THE FOLLOWING TWO (2) DESCRIBED PARCELS:

A PARCEL OF LAND LOCATED IN A PORTION OF SECTION 33, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF SECTION 33, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA; THENCE RUN N01°09'58"W., ALONG THE EAST LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 33, FOR A DISTANCE OF 2,396.28 FEET, TO THE POINT OF BEGINNING OF THE PARCEL OF LAND HEREIN DESCRIBED, THE SAME BEING A POINT ON A CIRCULAR CURVE, CONCAVE EASTERLY, WHOSE RADIUS POINT BEARS N74°57'12"E., A DISTANCE OF 1,722.00 FEET THEREFROM; THENCE RUN NORTHERLY ALONG THE ARC OF SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 1,722.00 FEET, THROUGH A CENTRAL ANGLE OF 08°27'43", SUBTENDED BY A CHORD OF 254.03 FEET AT A BEARING OF N10°46'56"W., FOR A DISTANCE OF 254.32 FEET TO THE END OF SAID CURVE, THE SAME BEING A POINT ON THE NORTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 33; THENCE RUN N89°26'11"E., ALONG THE NORTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 33 FOR A DISTANCE OF 42.45 FEET TO THE NORTHEAST CORNER OF THE SOUTHEAST QUARTER OF SAID SECTION 33; THENCE RUN S01°09'58"E., ALONG THE EAST LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 33, FOR A DISTANCE OF 251.02 FEET, TO THE POINT OF BEGINNING; CONTAINING 0.118 ACRE, MORE OR LESS.

A PARCEL OF LAND LOCATED IN A PORTION OF SECTIONS 33 AND 34, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF SECTION 33, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA; THENCE RUN N01°09'58"W., ALONG THE EAST LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 33, FOR A DISTANCE OF 2,128.10 FEET TO THE POINT OF BEGINNING OF THE PARCEL OF LAND HEREIN DESCRIBED, THE SAME BEING A POINT ON A CIRCULAR CURVE, CONCAVE EASTERLY, WHOSE RADIUS POINT BEARS N72°53'11"E., A DISTANCE OF 1,728.50 FEET THEREFROM; THENCE RUN NORTHERLY ALONG THE ARC OF SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 1,728.50 FEET, THROUGH A CENTRAL ANGLE OF 07°53'51", SUBTENDED BY A CHORD OF 238.04 FEET AT A BEARING OF N13°09'53"W., FOR A DISTANCE OF 238.23 FEET TO THE END OF SAID CURVE; THENCE RUN N01°59'29"E., FOR A DISTANCE OF 50.95 FEET TO A POINT ON THE PROPOSED WESTERLY RIGHT-OF-WAY LINE OF SANDY LANE, A 100.00 FOOT WIDE PROPOSED RIGHT-OF-WAY, AS DESCRIBED IN O.R. BOOK 4558 AT PAGE 4506 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA, AND A POINT ON A CIRCULAR CURVE, CONCAVE EASTERLY, WHOSE RADIUS POINT BEARS N82°29'53"E., A DISTANCE OF 1,722.00 FEET THEREFROM; THENCE RUN SOUTHERLY ALONG THE PROPOSED WESTERLY RIGHT-OF-WAY LINE OF SAID SANDY LANE AS DESCRIBED IN O.R. BOOK 4558 AT PAGE 4506 AND O.R. BOOK 4558 AT PAGE 4510 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA, AND ALONG THE ARC OF SAID CURVE TO THE LEFT, HAVING A RADIUS OF 1,722.00 FEET, THROUGH A CENTRAL ANGLE OF 08°29'42", SUBTENDED BY A CHORD OF 255.58 FEET AT A BEARING OF S11°45'28"E., FOR A DISTANCE OF 255.82 FEET TO THE END OF SAID CURVE; THENCE RUN S01°09'59"E., FOR A DISTANCE OF 34.19 FEET TO THE POINT OF BEGINNING; CONTAINING 0.040 ACRE, MORE OR LESS.

PARCEL 3

A TRACT OR PARCEL OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF LEE, LYING IN THE SOUTHEAST QUARTER OF SECTION 33, TOWNSHIP 46 SOUTH, RANGE 25 EAST BEING FURTHER BOUNDED AND DESCRIBED AS FOLLOWS:

BEGIN AT A CONCRETE MONUMENT MARKING THE EAST QUARTER CORNER OF SECTION 33 AND THE WEST QUARTER CORNER OF SECTION 34, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA; THENCE S00°09'41"W., ALONG THE EAST LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 33 A DISTANCE OF 661.59 FEET TO THE POINT OF BEGINNING OF THE HEREIN DESCRIBED PARCEL; THENCE S00°09'41"W., ALONG SAID EAST LINE A DISTANCE OF 1549.18 FEET TO A POINT ON THE EASTERLY LINE OF THE ATLANTIC COASTLINE RAILROAD RIGHT OF WAY, AS PER THE RIGHT OF WAY MAP THEREOF, DATED DECEMBER 6, 1923; THENCE N17°17'47"W., ALONG SAID EASTERLY LINE A DISTANCE OF 1973.11 FEET; THENCE N87°35'42"E. A DISTANCE OF 215.66 FEET TO THE POINT OF BEGINNING.

LESS AND EXCEPTING THEREFROM THE FOLLOWING DESCRIBED PARCEL:

A TRACT OR PARCEL OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF LEE, LYING IN SECTION 33, TOWNSHIP 46 SOUTH, RANGE 25 EAST BEING A PART OF THE PARCEL AS DESCRIBED IN OFFICIAL RECORDS BOOK 3371, PAGE 4503, LEE COUNTY PUBLIC RECORDS, AND BEING FURTHER BOUNDED AND DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 33; THENCE N01°11'17"W., ALONG THE EAST LINE OF SAID SECTION 33, FOR 36.10 FEET TO AN INTERSECTION WITH THE EASTERLY LINE OF AN ATLANTIC COASTLINE RAILROAD RIGHT OF WAY AND THE POINT OF BEGINNING; THENCE N18°29'53"W., ALONG SAID EASTERLY RAILROAD RIGHT OF WAY LINE, FOR 112.76 FEET TO AN INTERSECTION WITH THE NORTHERLY LINE OF PROPOSED SANDY LANE ROAD RIGHT OF WAY; THENCE N57°47'32"E., ALONG SAID NORTHERLY LINE, FOR 41.37 FEET TO THE BEGINNING OF A CURVE TO THE LEFT, HAVING A RADIUS OF 850.00 FEET, CENTRAL ANGLE OF 15°12'32", CHORD BEARING OF N57°25'08"E., CHORD LENGTH OF 177.40 FEET; THENCE NORTHEASTERLY ALONG THE ARC OF SAID CURVE AND ALONG SAID PROPOSED NORTHERLY RIGHT OF WAY LINE FOR 177.55 FEET TO SAID EAST LINE OF SECTION 33; THENCE S01°10'57"E., ALONG SAID EAST LINE, FOR 173.91 FEET TO THE POINT OF BEGINNING.

PARCEL CONTAINS 111,795 SQUARE FEET, MORE OR LESS.

PARCEL 4

THE SOUTH 1/2 OF LOT 17, BLOCK C, FLORIDA GULF LAND COMPANY'S SUBDIVISION, ACCORDING TO THE MAP OR PLAT THEREOF AS RECORDED IN PLAT BOOK 1, PAGE 59, PUBLIC RECORDS OF LEE COUNTY, FLORIDA.

TOGETHER WITH THE FOLLOWING TWO (2) DESCRIBED PARCELS:

A PARCEL OF LAND LOCATED IN A PORTION OF THE NORTH HALF OF LOT 17, BLOCK C, FLORIDA GULF LAND COMPANY'S SUBDIVISION ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 1 AT PAGE 59 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF LOT 16, BLOCK C, FLORIDA GULF LAND COMPANY'S SUBDIVISION ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 1 AT PAGE 59 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE RUN N01°09'58"W., ALONG THE WEST LINE OF SAID LOT 16 AND LOT 17, BLOCK C, FLORIDA GULF LAND COMPANY'S SUBDIVISION ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 1 AT PAGE 59 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA, FOR A DISTANCE OF 1,995.58 FEET, TO A POINT ON THE SOUTH LINE OF THE NORTH HALF OF SAID LOT 17, AND TO THE POINT OF BEGINNING OF THE PARCEL OF LAND HEREIN DESCRIBED; THENCE CONTINUE N01°09'58"W., ALONG THE WEST LINE OF SAID LOT 17, FOR A DISTANCE OF 40.96 FEET TO A POINT ON A CIRCULAR CURVE, CONCAVE EASTERLY, WHOSE RADIUS POINT BEARS N74°57'12"E., A DISTANCE OF 1,722.00 FEET THEREFROM; THENCE RUN SOUTHERLY ALONG THE ARC OF SAID CURVE TO THE LEFT, HAVING A RADIUS OF 1,722.00 FEET, THROUGH A CENTRAL ANGLE OF 01°39'32", SUBTENDED BY A CHORD OF 50.03 FEET AT A BEARING OF S15°52'34"E., FOR A DISTANCE OF 50.03 FEET TO THE END OF SAID CURVE; THENCE RUN S23°20'23"E., FOR A DISTANCE OF 141.95 FEET TO A POINT ON THE SOUTH LINE OF THE NORTH HALF OF SAID LOT 17; THENCE RUN S89°54'15"W., ALONG THE SOUTH LINE OF THE NORTH HALF OF SAID LOT 17, FOR A DISTANCE OF 154.35 FEET, TO THE POINT OF BEGINNING; CONTAINING 0.535 ACRES, MORE OR LESS.

AND

A PARCEL OF LAND LOCATED IN A PORTION OF LOT 16, BLOCK C, FLORIDA GULF LAND COMPANY'S SUBDIVISION ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 1 AT PAGE 59 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF LOT 16, BLOCK C, FLORIDA GULF LAND COMPANY'S SUBDIVISION ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 1 AT PAGE 59 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE RUN N01°09'58"W., ALONG THE WEST LINE OF SAID LOT 16, FOR A DISTANCE OF 1,216.21 FEET TO THE POINT OF BEGINNING OF THE PARCEL OF LAND HEREIN DESCRIBED; THENCE CONTINUE N01°09'58"W., ALONG THE WEST LINE OF SAID LOT 16, FOR A DISTANCE OF 107.34 FEET TO THE NORTHWEST CORNER OF SAID LOT 16; THENCE RUN N89°53'56"E., ALONG THE NORTH LINE OF SAID LOT 16, FOR A DISTANCE OF 51.67 FEET TO A POINT ON A CIRCULAR CURVE, CONCAVE NORTHWESTERLY, WHOSE RADIUS POINT BEARS N55°57'45"W., A DISTANCE OF 666.00 FEET THEREFROM; THENCE RUN SOUTHWESTERLY ALONG THE ARC OF SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 666.00 FEET, THROUGH A CENTRAL ANGLE OF 12°08'31", SUBTENDED BY A CHORD OF 140.59 FEET AT A BEARING OF S47°52'32"W., FOR A DISTANCE OF 141.16 FEET TO THE POINT OF BEGINNING; CONTAINING 0.122 ACRE, MORE OR LESS.

AND LESS AND EXCEPTING THEREFROM THE FOLLOWING THREE (3) DESCRIBED PARCELS:

A PARCEL OF LAND LOCATED IN A PORTION OF THE SOUTH HALF OF LOT 17, BLOCK C, FLORIDA GULF LAND COMPANY'S SUBDIVISION ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 1 AT PAGE 59 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF LOT 16, BLOCK C, FLORIDA GULF LAND COMPANY'S SUBDIVISION ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 1 AT PAGE 59 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE RUN N01°09'58"W., ALONG THE WEST LINE OF SAID LOT 16, FOR A DISTANCE OF 1,323.55 FEET TO A POINT ON THE SOUTH LINE OF LOT 17; THENCE RUN N89°53'56"E., ALONG THE SOUTH LINE OF LOT 17, BLOCK C, FLORIDA GULF LAND COMPANY'S SUBDIVISION ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 1 AT PAGE 59 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA, FOR A DISTANCE OF 52.67 FEET, TO THE POINT OF BEGINNING OF THE PARCEL OF LAND HEREIN DESCRIBED, THE SAME BEING A POINT ON A CIRCULAR CURVE, CONCAVE WESTERLY, WHOSE RADIUS POINT BEARS N55°57'45"W., A DISTANCE OF 666.00 FEET THEREFROM; THENCE RUN NORTHERLY ALONG THE ARC OF SAID CURVE TO THE LEFT, HAVING A RADIUS OF 666.00 FEET, THROUGH A CENTRAL ANGLE OF 31°52'34", SUBTENDED BY A CHORD OF 365.40 FEET AT A BEARING OF N18°38'45"E., FOR A DISTANCE OF 368.37 FEET TO THE END OF SAID CURVE; THENCE RUN N23°30'29"W., FOR A DISTANCE OF 8.13 FEET; THENCE RUN N23°54'10"E., FOR A DISTANCE OF 109.27 FEET TO A POINT ON A CIRCULAR CURVE, CONCAVE WESTERLY, WHOSE RADIUS POINT BEARS S87°49'27"W., A DISTANCE OF 766.00 FEET THEREFROM; THENCE RUN SOUTHERLY ALONG THE ARC OF SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 766.00 FEET, THROUGH A CENTRAL ANGLE OF 31°56'47", SUBTENDED BY A CHORD OF 668.52 FEET AT A BEARING OF S20°02'52"W., FOR A DISTANCE OF 683.57 FEET TO THE END OF SAID CURVE; THENCE RUN S89°57'56"W., FOR A DISTANCE OF 117.28 FEET, TO THE POINT OF BEGINNING; CONTAINING 1.050 ACRES, MORE OR LESS.

A PARCEL OF LAND LOCATED IN A PORTION OF THE SOUTH HALF OF LOT 17, BLOCK C, FLORIDA GULF LAND COMPANY'S SUBDIVISION ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 1 AT PAGE 59 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF LOT 16, BLOCK C, FLORIDA GULF LAND COMPANY'S SUBDIVISION ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 1 AT PAGE 59 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE RUN N01°09'58"W., ALONG THE WEST LINE OF SAID LOT 16, FOR A DISTANCE OF 1,323.55 FEET TO THE SOUTHWEST CORNER OF LOT 17, BLOCK C OF SAID FLORIDA GULF LAND COMPANY'S SUBDIVISION; THENCE RUN N89°53'56"E., ALONG THE SOUTH LINE OF SAID LOT 17, FOR A DISTANCE OF 810.66 FEET, TO THE POINT OF BEGINNING OF THE PARCEL OF LAND HEREIN DESCRIBED, THE SAME BEING A POINT ON A CIRCULAR CURVE, CONCAVE WESTERLY, WHOSE RADIUS POINT BEARS N89°57'46"W., A DISTANCE OF 766.00 FEET THEREFROM; THENCE RUN NORTHERLY ALONG THE ARC OF SAID CURVE TO THE LEFT, HAVING A RADIUS OF 766.00 FEET, THROUGH A CENTRAL ANGLE OF 51°16'47", SUBTENDED BY A CHORD OF 662.92 FEET AT A BEARING OF S30°27'39"W., FOR A DISTANCE OF 685.57 FEET TO THE END OF SAID CURVE AND TO A POINT ON THE NORTH LINE OF THE SOUTH HALF OF SAID LOT 17; THENCE RUN N89°54'15"E., ALONG THE NORTH LINE OF THE SOUTH HALF OF SAID LOT 17, FOR A DISTANCE OF 91.54 FEET TO THE NORTHEAST CORNER OF SAID LOT 17; THENCE RUN S00°39'52"E., ALONG THE EAST LINE OF SAID LOT 17, FOR A DISTANCE OF 661.45 FEET TO THE SOUTHEAST CORNER OF SAID LOT 17; THENCE RUN S89°53'56"W., ALONG THE SOUTH LINE OF SAID LOT 17, FOR A DISTANCE OF 119.65 FEET, TO THE POINT OF BEGINNING; CONTAINING 4.575 ACRES, MORE OR LESS.

A PARCEL OF LAND LOCATED IN A PORTION OF SECTIONS 33 AND 34, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF SECTION 33, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA; THENCE RUN N01°09'58"W., ALONG THE EAST LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 33, FOR A DISTANCE OF 2,362.30 FEET TO THE POINT OF BEGINNING OF THE PARCEL OF LAND HEREIN DESCRIBED; THENCE CONTINUE N01°09'58"W., ALONG THE EAST LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 33, FOR A DISTANCE OF 34.19 FEET TO A POINT ON THE PROPOSED WESTERLY RIGHT-OF-WAY LINE OF SANDY LANE, A 100.00 FOOT WIDE PROPOSED RIGHT-OF-WAY, AS DESCRIBED IN O.R. BOOK 4558 AT PAGE 4506 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA, THE SAME BEING A POINT ON A CIRCULAR CURVE, CONCAVE EASTERLY, WHOSE RADIUS POINT BEARS N74°58'12"E., A DISTANCE OF 1,722.00 FEET THEREFROM; THENCE RUN SOUTHERLY ALONG THE PROPOSED WESTERLY RIGHT-OF-WAY LINE OF SAID SANDY LANE, AND ALONG THE ARC OF SAID CURVE TO THE LEFT, HAVING A RADIUS OF 1,722.00 FEET, THROUGH A CENTRAL ANGLE OF 03°44'06", SUBTENDED BY A CHORD OF 112.23 FEET AT A BEARING OF S16°53'51"E., FOR A DISTANCE OF 112.25 FEET TO THE END OF SAID CURVE; THENCE RUN S71°17'07"W., FOR A DISTANCE OF 8.50 FEET TO A POINT ON A CIRCULAR CURVE, CONCAVE EASTERLY, WHOSE RADIUS POINT BEARS N71°17'07"E., A DISTANCE OF 1,730.50 FEET THEREFROM; THENCE RUN NORTHERLY ALONG THE ARC OF SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 1,730.50 FEET, THROUGH A CENTRAL ANGLE OF 02°34'35", SUBTENDED BY A CHORD OF 77.59 FEET AT A BEARING OF N17°25'34"W., FOR A DISTANCE OF 77.60 FEET TO THE POINT OF BEGINNING; CONTAINING 0.018 ACRE, MORE OR LESS.

PARCEL 5

A LOT OR PARCEL OF LAND LYING IN THE EAST HALF OF THE SOUTHEAST QUARTER OF THE NORTHEAST OF SECTION 33, TOWNSHIP 46 SOUTH, RANGE 25 EAST, WHICH LOT OR PARCEL IS DESCRIBED AS FOLLOWS:

FROM THE NORTHEAST CORNER OF THE EAST HALF OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 33, TOWNSHIP 46 SOUTH, RANGE 25 EAST RUN SOUTH 01°11'50" EAST ALONG THE EASTERLY LINE OF SAID SECTION 33 FOR 75.59 FEET TO A POINT ON THE SOUTHERLY MAINTAINED RIGHT OF WAY LINE (MAINTAINED RIGHT OF WAY WIDTH 50.00 FEET) OF A COUNTY ROAD (CORKSCREW ROAD); THENCE RUN SOUTH 87°53'30" WEST ALONG SAID SOUTHERLY MAINTAINED RIGHT OF WAY LINE FOR 338.64 FEET; THENCE RUN SOUTH 02°48'12" EAST ALONG THE EASTERLY LINE OF A 50 FEET WIDE ROADWAY EASEMENT FOR 530.10 FEET; THENCE RUN NORTH 87°11'50" EAST ALONG THE NORTHERLY LINE OF A 50 FEET WIDE ROADWAY EASEMENT FOR 80.00 FEET TO THE POINT OF BEGINNING OF THE HEREIN DESCRIBED LOT OR PARCEL. FROM SAID POINT OF BEGINNING RUN SOUTH 02°48'10" EAST ALONG THE EASTERLY END OF SAID ROADWAY EASEMENT FOR 50.00 FEET; THENCE RUN SOUTH 87°11'50" WEST ALONG THE SOUTHERLY LINE OF SAID ROADWAY EASEMENT FOR 45.50 FEET; THENCE RUN SOUTH 05°32'00" EAST FOR 64.20 FEET TO THE EAST-WEST ONE-QUARTER SECTION LINE OF SAID SECTION 33; THENCE RUN NORTH 89°25'30" EAST ALONG SAID EAST-WEST ONE-QUARTER SECTION LINE FOR 114.38 FEET, MORE OR LESS, TO A POINT BEARING SOUTH 89°25'30" WEST 198.50 FEET FROM THE EAST ONE-QUARTER CORNER OF SAID SECTION 33; THENCE RUN NORTH 01°11'50" WEST ALONG A LINE PARALLEL WITH THE EASTERLY LINE OF SAID SECTION 33 FOR 89.56 FEET; THENCE RUN SOUTH 87°11'50" WEST FOR 75.56 FEET TO THE POINT OF BEGINNING SUBJECT TO AND TOGETHER WITH THE HEREINABOVE MENTIONED 50 FEET WIDE ROADWAY EASEMENT.

PARCELS COMBINED CONTAIN 807,027.45 SQUARE FEET, 18.53 ACRES, MORE OR LESS.

Applicant's Legal Checked by [signature] 1/21/15

| REVISED | DESCRIPTION | BY |
|---|---|---|
| 12/12/14 | REVISED PER TITLE OPINION | FBK |
| | | |
| | | |

DATE OF LAST FIELD WORK 7/9/14

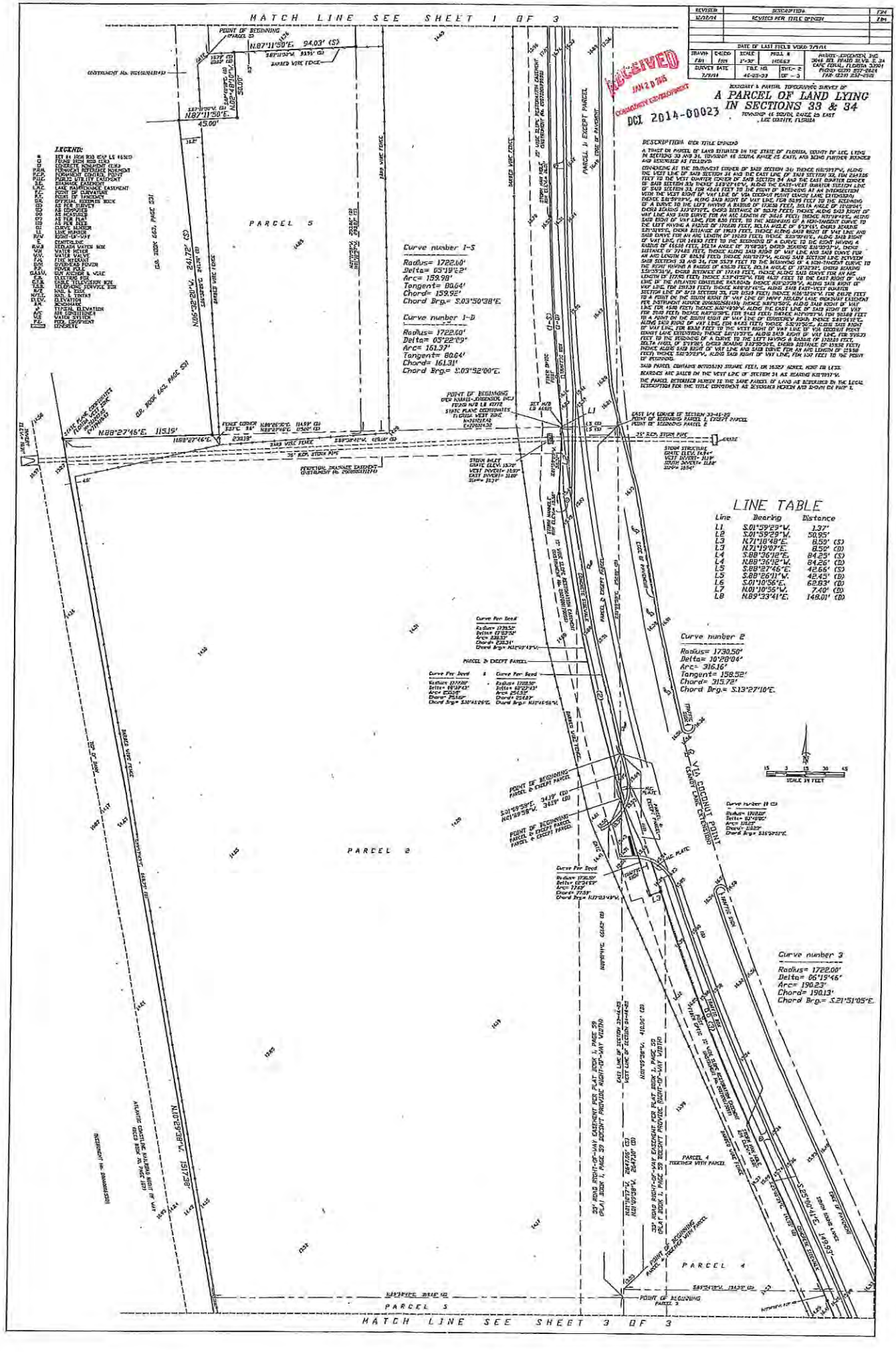
| DRAWN | CHECK | SCALE | FIELD B |
|---|---|---|---|
| FBK | PJM | 1"=30' | 1435/23 |

| SURVEY DATE | FILE NO. | SHT. |
|---|---|---|
| 7/9/14 | 48-25-33 | 1 OF 3 |

[signature] DECEMBER 12, 2014

PHILLIP M. MILLS
PROFESSIONAL SURVEYOR AND MAPPER
LS5 — STATE OF FLORIDA

HARRIS-JORGENSEN, INC.
3546 DEL PRADO BLVD. S. 3A
CAPE CORAL, FLORIDA 33904
PHONE: (239) 257-2424
FAX: (239) 257-2428


MATCH LINE SEE SHEET 1 OF 3
MATCH LINE SEE SHEET 3 OF 3
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A PARCEL OF LAND LYING IN SECTIONS 33 & 34
PARCEL 5
PARCEL 2
PARCEL 4
PARCEL 3
Curve number 1-S
Radius= 1722.60'
Delta= 05°19'12"
Arc= 159.98'
Tangent= 80.04'
Chord= 159.92'
Chord Brg.= S.03°50'38"E.
Curve number 1-D
Radius= 1722.60'
Delta= 05°22'09"
Arc= 161.31'
Tangent= 80.64'
Chord= 161.31'
Chord Brg.= S.03°52'00"E.
Curve number 2
Radius= 1730.50'
Delta= 10°28'04"
Arc= 316.16'
Tangent= 158.52'
Chord= 315.72'
Chord Brg.= S.13°27'10"E.
Curve number 3
Radius= 1722.00'
Delta= 06°15'46"
Arc= 190.23'
Chord= 190.13'
Chord Brg.= S.21°51'05"E.
LINE TABLE
Line | Bearing | Distance
L1 | S.01°59'29"W. | 1.37'
L2 | S.01°59'29"W. | 50.95'
L3 | N.71°19'48"E. | 8.50' (C)
L3 | N.71°19'07"E. | 8.50' (D)
L4 | S.88°36'12"E. | 84.25' (C)
L4 | N.88°36'12"W. | 84.26' (D)
L5 | S.88°27'45"E. | 42.66' (C)
L5 | S.88°26'11"W. | 42.45' (D)
L6 | S.01°10'56"E. | 62.83' (D)
L7 | N.01°10'56"W. | 7.49' (D)
L8 | N.89°33'41"E. | 148.01' (D)
VIA COCONUT POINT
S.25°10'41"E. 149.97'
N.87°11'50"E. 45.00'
N.87°11'50"E. 94.03' (S)
N.88°27'45"E. 115.19'
N.05°32'20"W. 241.72' (S)
S.88°27'45"W. 1168.27'
S.88°27'45"W. 1139.28'
N.88°27'45"E. 1168.27'
N.88°27'45"E. 1139.28'
N.87°11'50"E. 94.03' (S)
N.87°11'50"W. 45.00'
N.05°32'20"W. 241.72' (S)
S.88°27'45"W. 1168.27'
S.88°27'45"W. 1139.28'
N.88°27'45"E. 115.19'
S.01°59'29"W. 1.37'
S.01°59'29"W. 50.95'
N.71°19'48"E. 8.50' (S)
N.71°19'07"E. 8.50' (D)
S.88°36'12"E. 84.25' (S)
N.88°36'12"W. 84.26' (D)
S.88°27'45"E. 42.66' (S)
S.88°26'11"W. 42.45' (D)
S.01°10'56"E. 62.83' (D)
N.01°10'56"W. 7.49' (D)
N.89°33'41"E. 148.01' (D)
S.25°10'41"E. 149.97'
S.21°51'05"E. 190.13'
S.13°27'10"E. 315.72'
S.03°52'00"E. 161.31'
S.03°50'38"E. 159.92'
S.01°59'29"W. 1.37'
S.01°59'29"W. 50.95'
N.71°19'48"E. 8.50' (S)
N.71°19'07"E. 8.50' (D)
S.88°36'12"E. 84.25' (S)
N.88°36'12"W. 84.26' (D)
S.88°27'45"E. 42.66' (S)
S.88°26'11"W. 42.45' (D)
S.01°10'56"E. 62.83' (D)
N.01°10'56"W. 7.49' (D)
N.89°33'41"E. 148.01' (D)
S.25°10'41"E. 149.97'
S.21°51'05"E. 190.13'
S.13°27'10"E. 315.72'
S.03°52'00"E. 161.31'
S.03°50'38"E. 159.92'

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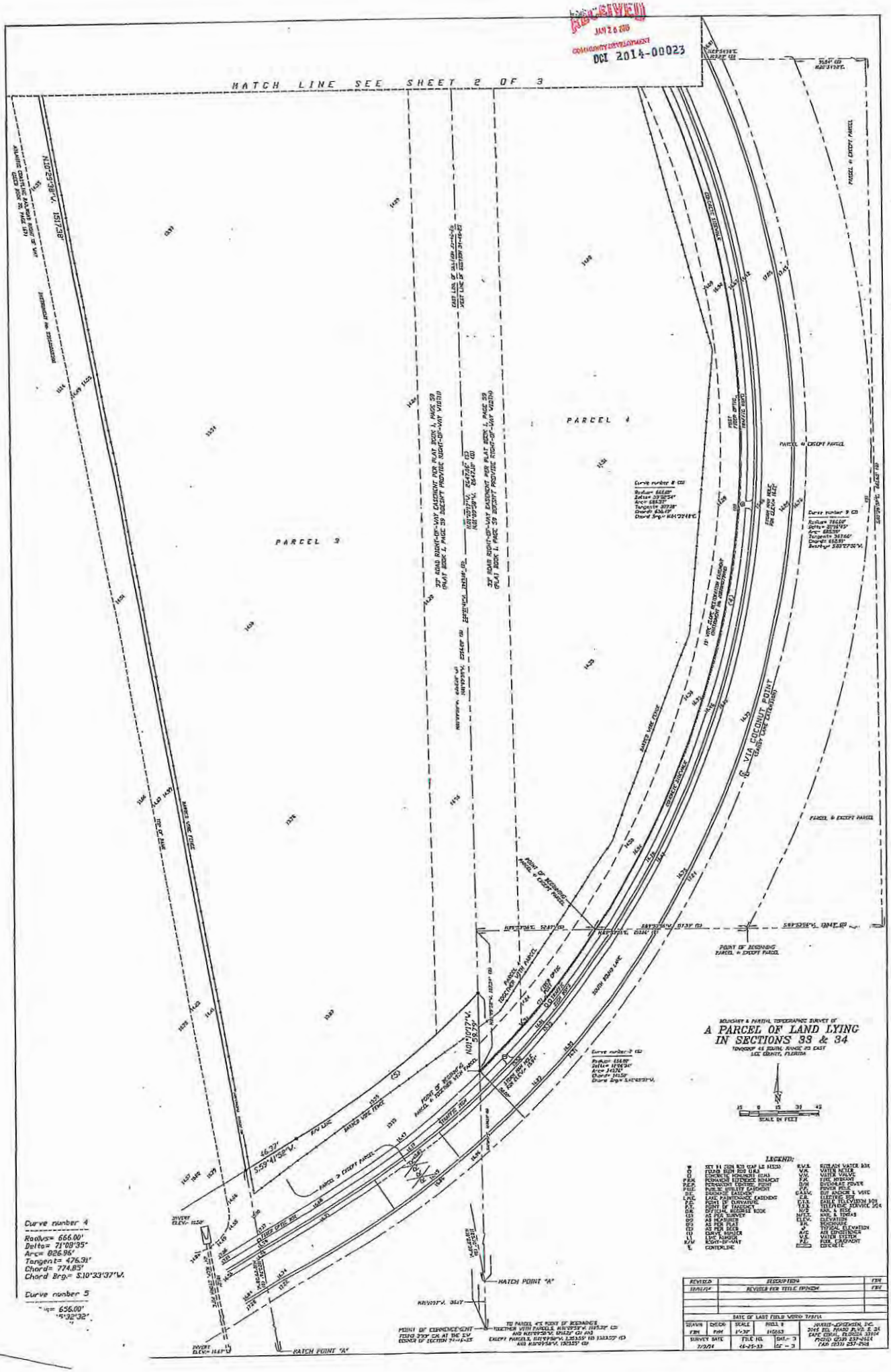
DCI 2014-00023



# ATTACHMENT P

## Land Development Code Amendments

## (March 24, 2016 draft)

# LAND DEVELOPMENT CODE AMENDMENTS

**Proposed by the Village of Estero**
**Draft, May 24, 2016**

# Chapter 33 – ~~PLANNING~~ ESTERO COMMUNITY REGULATIONS

~~Article I. - In General~~

## Division 1. - In General

**Sec. 33-1. – Transitional nature of this chapter. ~~Purpose and intent.~~**

~~The purpose of~~ This chapter contains ~~is to adopt~~ the guidelines and provisions ~~a planning community believes is~~ necessary to achieve the goals, objectives and policies set forth in the ~~Lee County~~ Comprehensive Plan applicable to the Village of Estero until these provisions can be merged with the remainder of the transitional land development code adopted by the Village Charter. ~~each recognized individual planning community located within unincorporated Lee County~~. These provisions are intended to enhance, not replace, the regulations contained in the balance of this Code, unless ~~a particular planning community~~ specifically provided otherwise.

**Sec. 33-2. – Reserved. ~~Applicability.~~**

~~The following articles apply to the planning communities in unincorporated Lee County that are specifically identified in the Lee Plan. Each article covers an individual planning community, or specifically identified portion of a planning community, that has chosen to pursue adoption of standards for the particular community.~~

**Sec. 33-3. – Reserved. ~~Effect of LDC provisions~~.**

~~Development within the planning communities affected by this chapter must comply with all Lee County regulations, including the provisions of this Code. The planning community regulations are intended to supplement regulations in this Code, unless a particular planning community specifically provides otherwise.~~

**Sec. 33-4. - Conflict.**

A conflict between the provisions of this chapter and the balance of this Code will be resolved in accordance with the following. The provisions of the Comprehensive ~~Lee~~ Plan in effect at the time of the conflict is discovered will control. If the Comprehensive ~~Lee~~ Plan is silent with respect to the issue, then the standards articulated in this chapter will control over any conflicting provisions in the balance of this Code. If the Comprehensive ~~Lee~~ Plan and this chapter are silent with respect to an issue, then the provisions within the balance of this Code will control.

**Sec. 33-5. - Deviations/variances.**

Deviations and variances from these provisions ~~set forth in each article~~ may be achieved under the standards specifically set forth in this chapter and pursuant to the ordinances of the Village of Estero ~~by the particular planning community~~. If this chapter or such ordinances ~~the article~~ do not contain a specific provision related to variances and deviations, then the relevant provisions in chapters 10 and 34 will apply.

**Sec. 33-6. - Appeal.**
Appeal of the application or interpretation of this chapter must be filed and processed in accord with ~~section 34-145(a)~~ the ordinances of the Village of Estero.

**Secs. 33-7—33-50. - Reserved.**

# ~~Article II. - Estero Planning Community~~

## Division 1. - In General

**Sec. 33-51. - Purpose and intent.**

The purpose of this chapter ~~division~~ is to create standards for growth in ~~the~~ Estero ~~Planning Community (see map in Appendix I), described in Goal 19 of the Lee County Comprehensive Plan~~. Specific high growth corridors may be designated as overlay districts and/or contain special regulations. ~~subject to the provisions of this subdivision.~~ The policies contained within this chapter ~~article~~ are intended to encourage mixed-use developments, interconnectivity, pedestrian activity, and to achieve and maintain a unique, unified and pleasing aesthetic/visual quality in architecture, landscape architecture, site planning, and signage throughout Estero. Except as otherwise specifically set forth below, the standards in this chapter Article ~~II~~ apply to all development, including, without limitation, commercial, religious, institutional, and mixed use buildings within ~~the~~ Estero, except for individual single-family or two-family residential structures. ~~Community, except where the authority of a separate political jurisdiction supersedes county authority~~.

**Sec. 33-52. - Applicability.**

(a) ***Scope.*** The provisions of ~~Article II~~ this chapter apply to all development located in the ~~Estero Planning Community~~ Village of Estero, ~~as defined in section 33-53(a) and Goal 19 of the Lee Comprehensive Plan~~, except for individual single-family or two-family residential structures.

(b) ***Development orders.*** The provisions of this chapter ~~article II~~ apply to all development orders including, without limitation, all limited review development orders described in section10-174 ~~10-174(1), 10-174(2) and 10-174(4)a~~. that are requested within ~~the~~ Estero ~~Planning Community~~. Compliance with these provisions will be required in order to obtain development order approval.

(c) ***Demonstrating compliance.*** Compliance with the standards set forth in this chapter ~~article~~ must be demonstrated on the drawings or site development plans submitted in conjunction with an application for development order approval or with a building permit application if a development order is not required. This will not prevent simultaneous applications for a development order and building permit on the same parcel, however, the development order approval must precede the building permit approval.

**Sec. 33-53. – Reserved. ~~Planning community boundaries.~~**

~~(a) ***Estero Planning Community.*** The boundaries of the Estero Planning Community are as depicted in the Lee County Comprehensive Plan on Lee Plan Communities Map 16.~~
~~(b) ***Corkscrew Road Overlay.*** The boundaries of the Corkscrew Road overlay district are as depicted in Appendix I on Map 1.~~
~~(c) ***Sandy Lane Overlay.*** The boundaries of the Sandy Lane overlay district are as depicted in Appendix I on Map 1~~
~~(d) ***US 41 Overlay.*** The boundaries of the US 41 overlay district are as depicted in Appendix I on Map 2.~~

**Sec. 33-54. - Community review.**

The owner or agent applying for Planned Developments, Rezonings, Variances, Special Exceptions, Plan Amendments, and Development Orders within the Village of Estero must participate in a public information meeting pursuant to the Ordinances, regulations and policies of the Village of Estero to provide a general overview of the project for any interested citizens before the application can be found sufficient. Prior to a finding of sufficiency, the applicant must provide the Village with a summary of the concerns or issues that were raised at the meeting and a proposal for how the applicant will respond to any issues that were raised.

~~(a) ***Applications requiring review.*** The owner or agent applying for the following types of county approvals must conduct one public informational session in accord with section 33-54(b) within the Estero Planning Community prior to obtaining a finding of sufficiency.~~
~~(1) ***Development orders.*** This includes all applications for development orders requested within the Estero Planning Community.~~
~~(2) ***Planned development zoning actions.*** This includes administrative deviations amending the approved master concept plan or other provisions of the applicable zoning resolution.~~
~~(3) ***Special exception and variance requests.*** This includes all requests that will be decided by the hearing examiner.~~
~~(4) ***Conventional rezoning actions.***~~
~~(5) ***Permanent monument-style identification*** sign permits requested from the Building Department.~~
~~(b) ***Meeting requirements.*** The owner or agent submitting the application requiring review under this section must conduct one public informational session within the boundaries of the Estero Planning Community where the agent will provide a general overview of the project for any interested citizens. The applicant is fully responsible for~~

~~providing the meeting space and providing security measures as needed. Subsequent to this meeting, the applicant must provide county staff with a meeting summary document that contains the following information: the date, time, and location of the meeting; a list of attendees; a summary of the concerns or issues that were raised at the meeting; and a proposal for how the applicant will respond to any issues that were raised.~~

**Sec. 33-55. - Existing development.**

Existing planned developments may voluntarily bring a master concept plan into compliance with the Comprehensive Plan ~~Estero Plan~~ or any regulation contained in this chapter division administratively. No public hearing will be required if the sole intention is for existing planned developments to comply with these regulations.

**Sec. 33-56. - Definitions.**

The following definitions are in addition to those set forth in other chapters of this Code and are applicable to the provisions set forth in this chapter ~~article~~ only. If, when construing the specific provisions contained in this chapter ~~article~~, these definitions conflict with definitions found elsewhere in this Code, then the definitions set forth below will control. Otherwise the definitions contained elsewhere in this Code will control.

***Articulation*** means shapes and surfaces having joints or segments that subdivide the area or elements; the joints or members add scale and rhythm to an otherwise plain surface.

***Big box/large retail/large footprint*** means a single use retailer of more than 50,000 square feet of building footprint, or a multi-use development, with more than 100,000 square feet of building area, excluding out parcel development.

***Building footprint*** means the total area of land covered or occupied by an individual building, including all roofed areas and outdoor sales area. Walkways and public spaces are excluded from the calculation.

***Column/pillar*** means freestanding vertical supports that generate unique features through the composition of the base, shaft and capital arrangement of column parts.

***Facade*** means the vertical exterior surfaces of a building.

***Fully shielded light fixture*** means a light fixture constructed in such a manner that all light emitted by the fixture, either directly from the lamp or a diffusing element, or indirectly by reflection or refraction from any part of the luminaire, is projected below the horizontal.

***Human scale and proportion*** means the adequate positioning of building details and attributes that take into consideration the approximate eye level and average human

height, in order to create a sense of its presence, or simply for it to be perceived and appreciated when encountered.

***Intensity*** means the extent to which land is being used. It is an indication of the amount and degree of development in an area and a reflection of the effects generated by that use. Without limiting the generality of the foregoing, *Intensity* is usually measured in relationship to customarily non-residential uses based on the amount of use, size, impact, bulk, shape, height, coverage, utilities and energy demand, traffic generation, and floor area ratios.

***Increases in Intensity*** shall refer to a significant or substantial increase in the intensity of the land use for a particular parcel which could reasonably be determined to adversely impact neighboring or surrounding land uses or is otherwise detrimental to the public welfare. Shifts of types of uses, or conversion of uses from one type of use to another, within the same planned development, which do not increase overall intensities of the development may still be deemed Increases in Intensity base on the foregoing standards. For purposes hereof, an increase in the intensity of a parcel by ten percent (10%) or more in any of the measurements mentioned in such definition shall be deemed to be an *Increase in Intensity*.

***Interior access drive/street*** means any vehicular roadway, excluding alleys or driveways, located within the confines of the property.

***Internal block*** means a building pad that does not front on a major road.

***Liner building/structures*** means additional buildings located along a big box type structure to mask blank and unadorned walls. Liner buildings may also be used to help mass up or mass down the big box. Liner buildings may either be attached to the big box or be within 15 feet of the big box. (See Figure 11 in section 33-458) Liner buildings may either be an enclosed, partially enclosed, or a covered structure, including covered walkways.

***Mall*** means a structure with multiple tenants with an internal public circulation spine (roofed or not roofed) with more than 450,000 square feet of retail space.

***Monument sign or monument-style sign*** is a ground sign, the structural base of which is on the ground. The height of the base must be at least 24 but no more than 36 inches above the adjacent ground. The average width of the sign structure must exceed the total height of the sign structure. The width of the top of the sign structure must not exceed 120 percent of the width of the base. The sign copy area will be measured from the outside edges of the sign or the sign frame, whichever is greater, excluding the area of the supporting structures provided that the supporting structures are not used for advertising purposes.

***Reflective pool*** means a geometric pool like structure with a minimum of six inches of water and a maximum of two feet of water in the structure. Reflective pools may not be connected to the water management system.

***Open space*** square means an outdoor common space. Open space squares must have a minimum average dimension of 30 feet and a maximum average dimension of 65 feet. Open space squares may be interconnected to form a larger square or a series of squares and must be integrated into the pedestrian circulation pattern for the project. Open space squares must also be located in the front or middle of the center.

***Out parcel buffer*** means building parcels that are placed along more than 75 percent of the public right-of-way, having no more than two rows of parking in the front, and a landscaped buffer (type "D," minimum of six feet) provided at the front, back and the sides of the out parcel. Properties sharing common buffers may agree to install a joint buffer, at least eight feet in width, provided the buffer meets all type "D" buffer requirements, and includes three trees per 100 linear feet. When a building is located in the Corkscrew Road overlay area, a setback of no more than 20 feet from the Corkscrew Road right-of-way may satisfy the front landscaping requirements.

***Parapet*** means a low protective wall at the edge of a terrace, balcony or roof.

***Parking pods*** means a discrete parking lot with no more than four ingress/egress points, limited to a maximum of 120 parking spaces, and surrounded by a type "D" landscape buffer.

***Pedestrian passageway*** means a pedestrian connection between buildings that allows safe access to other public spaces.

***Pole sign*** is a freestanding sign composed of a single, double, or multiple pole or support structure, that is not a solid monument-style.

***Storefront*** means the wood or metal armature of a window or door system, located within a ground-floor opening in the facade of a building.

***Street furniture*** means objects that are constructed or placed above ground such as outdoor seating, kiosks, bus shelters, sculptures, tree grids, trash receptacles, fountains, and telephone booths, which have the potential for enlivening and giving variety to streets, sidewalks, plazas, and other outdoor spaces open to, and used by, the public.

***Usable open space*** means a passive or active area set aside for the visitor enjoyment while adding to the diversity of the activities at the center.

***Vernacular*** means building structure whose design is determined by an informal local tradition. A vernacular building is one that possess attributes common to other buildings in the region in terms of appearance, use of materials, dimensions, exterior

decoration and approximate age. While there may be differences in attributes, it should "belong" and not seem out of place.

**Sec. 33-57. – Deviations, Administrative Actions, and variances.**

If an applicant desires to deviate from any of the provisions of this chapter, including all of the guidelines, and standards thereof, including, without limitation, the architectural, site design, landscaping or signage guidelines in this ~~Article II~~ chapter, ~~including all sections from 33-111 through 33-385~~, an applicant may do so at the time of zoning or development order if permitted under the Ordinances of the Village of Estero, section 34-268, and section 10-104(b) in the manner set forth below. A rendered drawing to scale, showing the design, and clearly demonstrating the nature of the requested deviation must be submitted as part of the development order application. ~~Administrative deviations to a planned development may be allowed subject to a meeting within the Estero Planning Community in accord with section 33-54(b).~~

Under this chapter, and pursuant to Village of Estero Ordinance 2015-01, administrative amendments under section 34-380, administrative variances under section 34-268, and administrative deviations under section 10-104 shall be determined in accordance with the following:

(a) Under section 10-104, with respect to all applications for administrative deviations other than administrative deviations with respect to height of buildings and structures, all references to the "Development Services Director" or the "Director" shall mean the Village of Estero Design Review Board ("DRB") acting pursuant to its powers and the procedures set forth under Estero Ordinance 2015-01, as amended (the "Ordinance").

(b) Under sections 34-380 and 34-268, with respect to all requests for administrative amendments to master concept plans and requests for administrative variances, including requests for deviations relating to the height of buildings and structures, all references to the "Director" shall mean the Village of Estero Planning and Zoning Board ("PZB") acting pursuant to its powers and the procedures set forth under the Ordinance.

**Secs. 33-58—33-99. - Reserved.**

## Division 2. - Design Standards

**Sec. 33-100. - Design standards.**
The design standards included in this division are intended to help create a distinguished architectural style and appearance within ~~the~~ Estero ~~Planning Community and the specific overlay districts identified in section 33-53~~. The standards provide design criteria intended to stimulate creative project designs, while fostering compatibility with surrounding developments.

These development provisions are intended to create an integral distinct community image, one that will enhance, unify, and harmonize properties throughout ~~the~~ Estero ~~Planning Community~~.

**Secs. 33-101—33-110. - Reserved.**

## Subdivision I. - Basic Elements

*[no changes to Subdivision I]*

## Subdivision II. - Architectural

*[no changes to Subdivision II]*

## Subdivision III. - Landscaping

*[no changes to Subdivision III]*

**Subdivision IV. - Transportation**

*[no changes to Subdivision IV]*

## Subdivision V. - Signs

*[no changes to Subdivision V]*

## Subdivision VI. – Pattern Book

**Sec 33-391. – Pattern books generally.**

A pattern book describes the anticipated visual character and layout for a development project and can also illustrate proposed signage, landscaping, and other features. The pattern book then guides the design and construction of buildings and site improvements. Pattern books have become an Estero tradition, beginning in 2004 with the Coconut Point design review guidelines.

**Sec 33-392. – Purpose and intent.**

(a) An effective pattern book illustrates the design and character of a development project and provides details about design solutions to conditions that are specific to the site or to the target market. Pattern books assist village officials and the community during the rezoning process in visualizing how a development project would fit into the community, how its character would be unified internally, and to what extent it would implement policies in the Estero Community Plan and the standards in this chapter.

(b) The level of detail in a pattern book will vary based on the scale, scope, and timing of a development project and on the standards that apply.

(1) For larger developments equal to or in excess of ten (10) acres, and developments that will be phased over time, the pattern book identifies the placement of development features on a site, particularly those along the perimeter; defines the layout of proposed development in relationship to neighboring uses, adjacent streets, and public spaces; and depicts generalized architectural themes for buildings.

(2) For smaller developments, less than ten (10) acres, single-phased developments, and higher density and intensity projects such as those subject to pattern book requirements under Division 5 of this chapter, the pattern book incorporates more information such as general façade detailing, cross-sections of streets, and details on signage, landscaping, lighting, open space, and other features.

**Sec 33-393. - Applicability.**

(a) With respect to all planned development zoning applications as of the date of the effectiveness of the amendment of this Sec. 33-393, the Village of Estero requires that a pattern book to be submitted as part of applications for planned development zoning. Compliance with the pattern book is a condition of such rezoning.

(b) By itself, an approved pattern book does not overrule any Village regulations. However, where specific variances or deviations are requested as part of a zoning application, the details of those requests should be illustrated in the pattern book so that subsequent approval of those variances or deviations can be referenced to the pattern book.

**Secs. 33-393—399. - Reserved.**

## Division 3. - Corridor Standards ~~Overlay Districts~~

**Sec. 33-400. - Purpose and intent.**

~~Overlay districts are~~ Certain corridors within ~~the~~ Estero ~~Planning Community that~~ are of special concern and require special site design standards.

**Sec. 33-401. - Applicability.**

Whenever the requirements of Division 3 ~~the overlay districts~~ impose a different standard than the provisions of the remainder of this Code, the requirements of Division 3 ~~the overlay district~~ will govern. Except where specifically modified by the provisions of this ~~sub~~division, all other requirements of this Code apply.

## Subdivision I. - Corkscrew Road Overlay ~~and Sandy Lane~~

### Sec. 33-402. - Intent.

The Corkscrew Road ~~and Sandy Lane~~ overlay districts will be developed as ~~the Estero Planning Community's Main Street,~~ a corridor of architecturally appealing and attractively landscaped retail, office, residential and institutional developments that cater to the needs of the community. The boundaries of this district are depicted in **Figure 33-402.** ~~These districts are depicted in Appendix I, Map 1.~~

### Sec. 33-403. - Corner lots.

In addition to the requirements of section 10-620(c)(3), the development must create visually attractive street corners using distinctive building entryways in combination with landscaping or artwork. Buildings on corner lots must be designed with a maximum setback of 25 feet from each adjacent right-of-way and must provide pedestrian access from the street intersection (Refer to Figure 9).

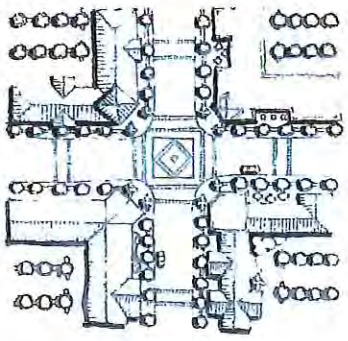


*Figure 9. (s. 33-403)*

### Sec. 33-404. - Areas of public interest.

The development must be designed to create people-oriented spaces along the street that are visually attractive, take into consideration the human scale and proportion, and provide for pedestrian connections.

### Sec. 33-405. - Street front activity.

The development must be designed to create public spaces to allow for activity to take place along the street front, such as sidewalks and open areas.

### Sec. 33-406. - Property development regulations.

Setbacks for the Corkscrew Road overlay district ~~and Sandy Lane Overlay Districts~~ are shown in the following **Table ~~1~~ 33-406**. With the exception of setbacks set forth within **Table ~~1~~ 33-406,** the property development regulations set forth in section 34-935 will apply. **Table ~~1~~ 33-406** specifically modifies and supersedes the provisions set forth in Section 34-935(b)(1).

To ensure conformity and development consistent with the goals and requirements of this section, developments that were approved prior to June 25, 2002, as part of a planned

development, must also comply with the setback requirements contained in **Table ~~1-~~33-~~406~~** to the extent the setback requirement was not specifically addressed as part of the planned development. Specific property development regulations that were approved as part of a planned development prior to June 25, 2002, are exempt from this section.

| **Table ~~1-~~33-406** | | | |
|---|---|---|---|
| Dimensional Regulations | Special Notes | Corkscrew Road ~~& Sandy Lane~~ Overlay Districts | |
| Setbacks[1] | 34-2191 et seq. | Minimum | Maximum |
| Street (feet)[2] | | 0′ | 25′ |
| Side yard (feet)[3] | | 0′ | N/A |
| Rear yard (feet) | | 25′ | N/A |
| Water body (feet) | | 25′ | N/A |

**Notes to Table 33-406:**

(1) Building setback requirements must follow these General Requirements (See Figure 2, s. 33-113):
   a. Setbacks will be established to facilitate the creation of uniform streetscape.
   b. Maximum right-of-way setbacks will be zero feet to 25 feet. This must allow for buildings to front directly onto the adjacent sidewalks, while providing for slight undulation (variety) in the definition and character of the corridor. The flexibility in this setback will also allow for the creation of small use areas (i.e. limited outdoor seating for restaurants and coffee shops, display of goods being sold, and small landscaped entrances) and enhance opportunities for activity. Automobile service stations and convenience food and beverage uses with fuel pumps may deviate from the maximum setback requirement per landscape requirements in section 33-435. Interior lots are permitted for developments provided that there is a minimum 75-foot setback for all parking lots.
   c. Minimum of 40 percent of the building frontage will be required at the setback.
   d. These setback requirements do not apply to properties fronting Corkscrew Road east of I-75.

(2) The provisions of section 34-3131(a) "Vehicle Visibility at Intersections" is amended for the purposes of the Corkscrew Road ~~and Sandy Lane~~ overlay districts to read as follows:

   Corner lots. On a corner lot, no obstruction may be planted or erected that materially obstructs traffic visibility within the triangular space bounded by the two intersecting right-of-way lines and a straight line connecting the two points on the street right-of-way lines 50 feet from their intersection. No structural and planting masses will be permitted between one and one-half feet and eight feet above the average grade of each street.

(3) Developments are encouraged to provide side setbacks of five feet or less to create a continuous "street wall" of building frontage where possible. Where side setbacks are less than five feet, evidence must be presented that the landowner will be able to maintain the exterior wall. The exterior walls of buildings must meet fire protection standards.

**Secs. 33-407—33-420. - Reserved.**

## Subdivision II. - US 41

### Sec. 33-421. - Intent and scope.

~~The~~ US 41 overlay district will continue to grow as a commercial and residential corridor over the next decade, providing for the regional and local shopping needs of Estero and South Lee residents. The Village wishes ~~purpose of the overlay district is~~ to create a corridor that is well landscaped and aesthetically pleasing while providing for a free flow of traffic through Estero ~~South Lee County~~. The following regulations aim to create a roadway corridor that enhances the drive through experience of traveling through Estero; these regulations apply to all new development and redevelopment that abuts US 41. ~~the Estero Planning Community.~~
The US 41 Overlay is depicted on Appendix I, Map 2.

### Sec. 33-422. - Parking lots.

(a) Freestanding buildings or shopping center developments containing 7,500 gross square feet of space or less may provide no more than 20 percent of parking areas in the front of buildings and/or be limited to no more than one double row of parking. No more than 20 percent of the parking area may be located to the side of building, with the balance of parking located to the rear of the building.

(b) For buildings exceeding 7,500 square feet, and fronting US 41, parking is encouraged to the sides or rear of the building.

(c) Where parking is located adjacent to US 41, adequate screening, consisting of a minimum type "E" buffer, as specified in section 33-351, containing a two to three foot undulating landscaped berm, without a wall, is required. The intent is to screen parking areas but not buildings.

**Secs. 33-423—33-430. - Reserved.**

## Division 4. – Specific Uses

### Subdivision I. - Automobile Service Stations and Convenience Food and Beverage Stores

*[no changes to Subdivision I]*

### Subdivision II. - Big Box Commercial

*[no changes to Subdivision II]*

## DIVISION 5. – ESTERO PD ZONING DISTRICT

**Sec. 33-501. – Estero Planned Development Zoning District.**

(a) This land development code contains two zoning districts that encourage land in the Village Center Area to be developed or redeveloped with a greater mix of uses and higher densities when placed in walkable mixed-use patterns. One district is Compact Planned Development as described in Chapter 32 of this code. The other is the Estero Planned Development zoning district ("Estero PD") as described in this division.

(b) The Estero PD district contains tiered standards that apply to the Village Center Area. Landowners may apply for rezoning to have these new standards and densities applied to specific tracts of land.

**Sec. 33-502. – General Criteria.**

The general criteria for the Estero PD district are as follows and will apply in all Tiers, as defined below. These general criteria 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. Wherever issues arise in such rezonings or other applications, which are not specifically determined by the Estero PD district standards, the general criteria shall be applied. As part of the approval process with respect to a rezoning or other application for development in the Estero PD district, the Village Council, or the applicable land use board under the Ordinances of the Village of Estero, shall make a written finding as to whether, and to what degree, such application is consistent with these General Criteria.

(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, the preservation of community history, and the protection of the environment, particularly along the Estero River.

(b) **Reasonable Standards**. The provisions of the land development code implementing the Estero PD district are designed as reasonable standards 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 the goals and objectives set forth in the comprehensive plan relating to the Village Center Area. Such standards designate the requirements for the required pattern books, the locations where different building form standards apply, the relationship of buildings to the public space, 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 may 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.

(c) **Accessibility**. The criteria implementing the Estero PD district for the Village Center Area are designed to make the public space accessible, both socially and physically, connected, and walkable. 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) enjoy simple, understandable, and physically determined methods to achieve these goals.

(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 these guidelines, streets shall not end in dead ends, cul-de-sacs, hammerheads, or other forms which do not connect with other streets.

(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 these 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.

(f) **Lots and Blocks**. The proper application of the principles regarding connectivity of streets will then create a network of streets which will result in blocks of land and differing lots within such blocks. Rather than to specify a particular grid of lots and blocks, which may differ within the Tiers, the guidelines for the Estero PD district will be flexible to allow for variations in the size and dimensions of lots and blocks 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 sides will 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 loads, 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.

(g) **The Visual Edge**. The sidewalks, setbacks, building facades and other characteristics of the visual edge of the public street are 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 buildings define a building's 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 be mutually dependent.

(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.

(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 or cost recovery. These guidelines shall also favor individual buildings which are ecologically sensitive in their use of materials, particularly recyclables, and with respect to their energy demands.

**Sec. 33-503. – Applications and procedures.**

Application requirements and approval procedures for the Estero PD district will be the same as for other planned development rezonings except that the master concept plan will be replaced by a tiered development plan as follows:

(a) In place of designating "individual development areas" as required by section 34-373(a)(6)d, the development plan must indicate the connecting street network and proposed tier designations:

(1). The development plan must show the proposed configuration and location of the connecting street network, including the connection points along the perimeter and the routes between those points (see section 33-508(b)).

(2). The development plan must indicate that all land will be initially designated to be in Tier 1, and may indicate that certain portions of the land will also be in Tier 2, or Tier 3.

(3). The development plan must show additional streets behind and between pad sites or out parcels where these streets are required by section 33-508(d).

(4). For land in Tier 1 only, the development plan must show any additional streets that are planned as connecting streets, as such term is defined below in section 33-508(b).

(5). For land in Tiers 2 or 3, the development plan must show the location of all proposed streets and indicate the classification of streets as described in section 33-508(a).

(b) Mixes of complementary uses of land are encouraged within the Estero PD district. The development plan must indicate the proposed uses of land in each tier using the requirements in section 34-373(a)(8). If the development plan includes pad sites or out parcels along major roads, the proposed uses on those sites must also be indicated.

(c) The development plan must demonstrate compliance with the additional standards in this Division 5.

**Sec. 33-504. – Tiers.**

(a) This division provides standards for four levels of development that will contribute to a walkable mixed-use environment in the Village Center Area:

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

(2) ***Tier 2*** accommodates residential neighborhoods with higher densities and a potential for a 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.

(3) ***Tier 3*** accommodates mixed-use neighborhoods with similar attributes as Tier 2 but with significantly greater non-residential uses as well.

(4) ***Tier 4*** allows an entire development tract to be planned as a compact community, as provided in Chapter 32.

(b) Applications for the Estero PD district must designate at least Tier 1 for the entire property being rezoned. Applications may also request Tier 2 and/or Tier 3 on top of Tier 1 for portions of the property specified on the development plan. Tiers 2 and 3 can comprise entire compact neighborhoods or can be applied in smaller increments as parts of other neighborhoods. See examples of potential tier arrangements in **Figure 33-504(b).** Applicants seeking Tier 4 must demonstrate the entire property being rezoned complies with Chapter 32.

(c) The provisions in Policy 19.8.4 of the comprehensive plan regarding vested rights, and the procedure for determining such vested rights, shall be utilized in circumstances under this Division, where a property owner is unclear as to the exact nature of the vested rights that are claimed. Rezoning approvals for the Estero PD district will not force the reduction in the overall number of dwelling units allowed by an unexpired master concept plan for the same tract and will not nullify any conditions of the original density grant. However, notwithstanding the foregoing sentence, such rezoning approvals may require the reconfiguration of streets, individual development areas, access points for connecting streets or other local streets, preserve areas, and other site plan details.

***Sec. 33 – 505. - Maximum residential density.***

(a) Residential densities are established within each tier with respect to a proposes development plan by the Village Council during the rezoning process. These density levels must be within the density ranges in the comprehensive plan (see Policy 19.8.7).

(1) For land in Tier 1-only, densities are measured in dwelling units per gross residential acre of Tier 1-only land, as density is defined in the glossary of the comprehensive plan.

(2) For land also in Tiers 2 or 3, or entirely in Tier 4, densities are measured in dwelling units per gross acre for each entire tier, including non-residential land in that tier.

(b) Maximum residential densities for land in each tier are as follows:

*TABLE 33-505*

| | *Base Densities if all requirements are met:* | *Additional Densities if all requirements are met and incentive offers are accepted as providing significant public benefits:* |
|---|---|---|
| *Tier 1* | *Up to 6* | *6.1 to 9* |
| *Tier 2* | *up to 10* | *10.1 to 14* |
| *Tier 3* | *up to 15* | *15.1 to 20* |
| *Tier 4* | *up to 21* | *21.1 to 27* |

(c) During the rezoning process, the Village Council, among other determinations, may reduce the residential densities listed above, with respect to either the Base Densities or Additional Densities, if the proposed project does not meet all of the requirements of these guidelines to its satisfaction, or if significant deviations are requested from essential requirements upon which the allowable density increases in this zoning district are sought, or if the incentive offers that are proposed do not provide significant public benefits.

**Sec. 33-506. – Maximum building height.**

(a) Building heights in this zoning district are measured the same as for all other development in Estero.

(b) Maximum building heights for land in each tier are as follows:

TABLE 33-506

| | If all requirements are met: | If all requirements are met and incentive offers are accepted as providing significant public benefits: |
|---|---|---|
| Tier 1 | 45 feet | 45 feet |
| Tier 2 | 50 feet | 55 feet |
| Tier 3 | 60 feet | 65 feet |
| Tier 4 | 70 feet | 75 feet |

***Sec. 33 – 507. - Pattern books.***

Section 33-393 of this code requires rezoning applications to include a pattern book that illustrates the anticipated visual character of new development including its architecture and landscaping. All applications for the Estero PD district, except for those in Tier 4, must include a pattern book that meets the requirements listed below for the respective tier. A pattern book is optional but recommended for Tier 4 applications. The following standards for pattern books required under this Division 5 apply to specific tiers. Where there are direct conflicts with another provision of this code, these standards will apply.

(a) **Tier 1 Pattern Books:**

Pattern books for land proposed only for Tier 1 are not as detailed as pattern books for higher tiers. Pattern book contents for areas designated for Tier 1 development must include at least the following to demonstrate consistency with (or identify deviations or variances from) the standards outlined in this division.

(1) Illustrative colored site plan on an aerial photo that depicts:

a. Configuration and phasing of all connecting streets, streets behind/between pad sites or out parcels, and other planned local streets, along with all access points from adjoining streets, as shown on the development plan, with cross-sections for each.

b. Bicycle/pedestrian circulation including connections to adjoining property.

c. Landscaped areas, preserved areas, open spaces, civic spaces, gathering places, natural and cultural resources, and community facilities, where applicable.

d. Water management areas (conceptual).

e. Development areas, labeled with approximate acreages and with proposed uses.

(2) Conceptual architectural elevations that depict generalized architectural theme or themes that will be characteristic of the primary façades of buildings throughout the development plan, and including a proposed color palette.

(3) Landscaping and open space plan with typical buffer planting detail.

(4) Where pad sites or out parcels are to be developed separately, provide a plan with detailed examples, figures or photographs that indicates what unifying themes will be common to those sites (architecture, signage, landscaping, etc.).

(5) For land adjoining the Estero River, provide a map showing the top of the riverbank, and the regulatory floodway designated on the official flood maps adopted into Chapter 6 of this code. Depict the proposed setback of buildings and land alterations from the top of the riverbank, and the location of all proposed buildings and land alterations within 200 feet of the river.

(6) For tracts, blocks, or parcels where access would be controlled for security, provide a plan diagram that shows what land would have controlled access, the proposed method and extent of access control along with the features thereof, and architectural elevations that depict the appearance of the controlled area from the outside of such parcel. The access plan diagram should also show the layout of the vehicular, pedestrian, and bicycle network, the proposed operation of the access control features, and the proposed locations of sidewalks, trails, bicycle paths, drives, streets, fencing, gates and walls and their role in the security for such areas.

**(b) Tier 2 and Tier 3 Pattern Books.**

All of the Tier 1 standards for pattern books are applicable in Tier 2 and Tier 3 as well. In addition to the underlying Tier 1 standards, the following standards apply to Tier 2 land and Tier 3 land:

(1) On the illustrative site plan, provide the following additional information:
a. Location, shape and size of proposed detention and retention areas.
b. Location and size of development tracts, labeled with approximate acreages and with proposed uses.
c. Location and cross-sections of streets, sidewalks, and off-street facilities for walking or biking.
d. A three dimensional diagram or rendering that shows the scale and massing of buildings proposed in each development tract.
e. Location and size of common parking areas.
f. Location and approximate size of lots.

(2) Provide typical façade detailing for buildings that will be visible from streets.

**Sec. 33 – 508. – Streets and Street Appurtenances.**

Pursuant to the General Criteria set forth in Sec. 33-502, under these guidelines the street becomes the key part of the public space. The goal with respect to streets is to incentivize the creation of a variety of different types of streets, which can connect neighborhoods and

destinations, serve the public interest by minimizing the traffic load and the need for increased capacity in any one street. The following guidelines will apply in the Estero PD district:

**(a) Public vs. Private Streets.**

The public versus private nature of a street can vary. The following street classification is used in the Estero PD district:

(1) TYPE A: a *public street* that will be owned and maintained by the Village of Estero. Type A (public streets) must be dedicated to and accepted by the Village of Estero.

(2) TYPE B: a *semi-public street* that will be privately owned and maintained through a recorded easement which grants the general public the right to travel by motor vehicle, bicycle, and by foot. Type B streets will not be dedicated to the Village of Estero. The semi-public nature of these streets must be indicated on the plat and memorialized on such recorded easement:

(2) TYPE C: a *private street* that may or may not be accessible to the public; an easement for public use is not required. Type C will be privately maintained, and the private nature of these streets must be indicated on the plat.

**(b) Connecting Streets.**

(1) Connecting street(s) are local streets, most of which will not carry significant traffic volumes. An example of connecting street patterns is shown on **Figure 33-508(b).** Sidewalks and regularly spaced street trees are required on both sides of connecting streets.

(2) The Framework Plan described in division 6 (**Figure 33-601**) identifies the approximate points where connecting streets in the Estero PD district must connect with surrounding streets (existing and future). The proposed internal alignment of connecting streets must be shown on the development plan and must provide reasonably direct routes to such connections.

(3) For development sites smaller than 10 acres, the connecting street must be constructed during the initial development phase.

(4) For development sites larger than 10 acres, construction of the connecting streets may be phased, provided the development plans propose a phasing plan acceptable to the Village that includes guarantees that the connecting street network will be fully constructed.

(5) Developers may propose a variety of different types of local streets in addition to connecting streets and streets behind/between pad or outparcel sites, however, except as specifically provided in Subsection (b)(2) below, all streets must form a part of a

connected, continuous street network, and shall not end in dead ends, cul-de-sacs, hammerheads or other forms which do not connect with other streets.

***(c) Street standards.***

(1) Typical cross-sections of connecting streets are shown on **Figure 33-506 (c)** and are to be followed in all of the Tiers with respect to such streets. Variations of such cross-sections may be allowed by deviation depending on the uses along such streets and as long as the provisions of the General Conditions are met, including without limitation, the goals of connectivity and walkability.

(2) Where required connecting streets or other local streets terminate at the rail corridor or other places where through passage cannot be provided at the time of development application, right-of-way for the street must be provided to the edge of the development tract and the street must be temporarily terminated with a cul-de-sac or hammerhead turnaround in accordance with Chapter 19 of the *Florida Greenbook* (latest edition as published by Florida DOT). The developer is not obligated to obtain permission to cross the rail corridor or to extend a street across property owned by other parties, but the developer and successor owners must allow these streets to be connected at such time as connections become feasible.

(3) Connecting Streets in all of the Tiers must be either a Type A Public Street or a Type B Semi-Public Street. The determination to accept a dedication of a street as a Type A public street shall be made solely by the Village. Streets behind/between pads or outparcels must be Type B Semi-Public streets. All other local streets may be either Type B or Type C Private Streets as determined during the rezoning process.

**(d) Streets for Pad or Outparcel Sites.**

(1) Development plans may propose pad or outparcel sites along arterials and collectors for free-standing buildings, including commercial and mixed-use buildings. Pad sites may initially accommodate highway-oriented uses in the immediate future so long as they are configured in such a way as to not preclude future redevelopment at higher intensities in a compact walkable form.

(2) The following street requirements apply when pad or outparcel sites are proposed:

a. A parallel street (or reverse frontage road) must be provided immediately behind these sites to provide access to and from connecting streets and to integrate these sites with their surroundings.

b. A short perpendicular street must be provided between the arterial or collector road and the parallel street so that there are a reasonable number of access points to such parallel street so as to asssure the walkability of such street and enhance connectivity, provided that such access points are otherwise allowable by the governmental agency which owns and maintains such arterial or collector roads.

(3) See also section 33-512(c)) which provides visible edge standards for pad sites.

**(e) Utilities along Streets.**

(1) Development plans should indicate the general location of utility lines so that utility easements can be coordinated in a manner that minimizes the impact of utility lines on landscaping and street trees. Where allowed, deviations may be requested from general standards in the land development code for utility easements if needed to allow the proposed placement of utilities.

(2) When alleys or rear lanes are provided, they are the preferred location for "dry" utility lines such as electricity, telephone, cable television, and fiber optic cables. The rights-of-way of local streets are the preferred location for "wet" utility lines such as water and wastewater.

(3) Above-ground utility lines are prohibited in the Estero PD district.

**Sec. 33-509. – Lots and Blocks.**

The overall size and dimensions of lots and blocks in the Village Center Area have a direct impact on the connectivity of the streets. Developments in the Estero PD district shall have reasonable flexibility in determining the size and dimensions of both lots and blocks within their developments. Rather than specify particular sizes or dimensions for lots and blocks, these standards will allow variations in such forms as long as the overall goals and objectives for connectivity and walkability are achieved. Based on the connectivity requirement set forth in Sec. 33-508 above, which requires that all connecting streets and other local streets connect into a network of streets, the result will be lots and blocks of land with differing sizes and dimensions. Such lots and blocks will be surrounded by some form of network of public streets, some of which will be Type A Public Streets or Type B Semi-Public Streets as set forth in Sec. 33-508(a).

(a) Based on the connectivity of the streets, developable land in Tier 1 will be divided into blocks. Each block may be surrounded in whole or in part by a publically accessible street. The streets surrounding such blocks may be straight, curved, or bent.

(b) Best practices for block perimeters in the Village Center Area will not exceed 2,000 linear feet in Tier 1 or 1,600 linear feet in Tiers 2 or 3, in each case as measured along the inner edges of each surrounding street.

(c) However, best practices for block perimeters may be as large as 2,400 linear feet in Tier 1 or 2,000 feet in Tiers 2 or 3, where the following conditions are present:

(1). One side of the block faces an arterial or collector street or a railroad;
(2). The block contains or is bordered by a river, natural flow-way, wetlands, or indigenous plant community that is being preserved; or
(3). The block contains a lake or shared amenities for residents of that block.

(d) In Tier 2 and Tier 3, blocks are encouraged to be subdivided with rear lanes or alleys to provide access to parking, service areas, and utilities. Block perimeter measurements are not affected by the presence of rear lanes or alleys in a block.

(e) The best practices for block perimeters are to be viewed as goals to be attained where reasonable and feasible, given the nature of the flexible approach to lots and blocks set forth above.

**Sec. 33 – 510. – Indigenous Plant Communities and the Estero River Buffer.**

***(a) Indigenous plant communities.***

(1) Chapter 10 of this code requires large developments to preserve a portion of the indigenous plant communities that exist on their sites.

(a) Developments requesting the Estero PD district must indicate on their development plans the extent to which the indigenous cypress, oak, and cabbage palm plant communities that were on the site when the Village of Estero incorporated will be preserved. The Village of Estero shall maintain a map of such indigenous plant communities as of December 31, 2014.

(b) Primary preservation areas are those with the densest indigenous plant communities, those nearest to the Estero River, and those with the closest association with the historic Koreshan Unity settlement and its National Register Historic District.

(c) Such preserved indigenous plant communities may be counted toward the 50 percent preservation requirement in section 10-415(b).

(d) Failure of the development plan to preserve a reasonable number of such indigenous plant communities may be grounds for the Village to reduce the proposed base residential density under such development plan.

***(b) Estero River buffer.***

(1) For land adjoining the Estero River, buildings and land alterations must maintain a separation area from the river. The minimum separation area is the larger of the following:

a. The full width of the regulatory floodway designated on the official flood maps adopted into Chapter 6 of this code; or

b. From the top of the river bank, 75 feet on the north side and 100 feet on the south side.

(2) Indigenous plant communities may not be cleared within the separation area except for the minimal removal necessary to allow the placement of recreational structures such as docks, boat launches, benches, trails, and pedestrian bridges, or for the minimal removal necessary to construct a required connecting street.

**Sec. 33 – 511. – Surface Water Management.**

(a) Development plans must arrange surface water management facilities to minimize impacts on connectivity and walkability. This can be accomplished in many ways, including, without limitation, by having a connecting street or pedestrian way go across larger lakes, by reducing the size of individual lakes, by placing lakes where passage is already constrained by adjoining uses such as the rail corridor, or similar arrangements designed to be supportive of connectivity and walkability.

(b) Development plans must provide a unified surface water management system for at least the entire tract and should anticipate water management needs for future intensification anticipated for the site.

(c) In Tier 2, development plans are encouraged to include deviations from the surface water management standards in Chapter 10 in order to minimize the amount of land devoted to lakes and channels. Best practices for compact surface water management include pervious or permeable paving to reduce storm water runoff and steeper slopes or a higher percentage of bulkheads along lake banks.

(d) In Tier 3, best practices for compact surface water management include the same methods as in Tier 2, but also may include storm water detained underground or other advanced methods as may be feasible.

(e) The best practices for compact surface water management are to be viewed as goals to be attained where reasonable and feasible. In Tier 2 and Tier 3, where deviations may be encouraged to accomplish compact surface water management goals, developers must make reasonable efforts where feasible to seek and achieve similar deviations with regards to permitting requirements of South Florida Water Management District.

**Sec. 33 – 512. – Visible Edges.**

(a) The edges of development tracts can be critical transitions between private and public space. Where these edges adjoin streets accessible to the general public, buildings must present an attractive public face that contributes to public life and activity in the Village Center Area. One of the most important goals set forth in the General Criteria in Sec. 33-502 is to create public spaces along streets which enhance and incentivize the social vibrancy of the Village Center Area. The guidelines set forth herein are designed to achieve such goals.

(b) **Tier 1**. The following standards apply to the visible edges of development tracts that are nearby and visible from a connecting street or a collector road:

(1). Wherever feasible, buildings must have their principal street facade along the visual edge of such connecting street or collector road. The uninterrupted building length (or combined attached group of buildings) cannot exceed such a length as to create

an unreasonably long façade which is either unarticulated, minimally unarticulated, or would become unattractive from a visual perspective along such connecting street or collector road. Illustrations of reasonable and proper placement of buildings on lots are found in **Figure 32-242(a) – (g)**, which are incorporated herein as requirements in all of the tiers.

(2). Private parking spaces and lots must be located behind the building and may be accessed by a street, driveway, alley, or lane; these accesses may be secured with a operable metal gate if the gate's structure is not unreasonably opaque so as to become a visual barrier to the view from the connecting street or collector road.

(3). Building entrances must be clearly visible from and directly accessible from the connecting street. The number of building entrances and the design of single or common entrances for single-family or multifamily or non-residential buildings must be reasonably related to the number of separate facilities in such building and must be visually pleasing along the connecting street or connector road. The design for such entrances and any walls between the building and the connecting street or collector road must be shown in the Pattern Book relating to the appropriate Tier.

(4). Medium height solid walls or fences, not in excess of approximately 3.5 feet tall, may secure space between buildings, but must be contiguous with, and not project beyond, any adjacent building's front façade unless part of an exterior courtyard entrance.

(c) **Pad or Outparcel Sites**. The following standards apply to the visible edges of development tracts that are designated as pad or outparcel sites (see section 33-508(d):

(1). Buildings must be oriented to the parallel street and have at least one entrance in each building clearly visible from and directly accessible from the parallel street.

(2). Service and/or back-of-house functions may not be located between the building and the parallel street without provision for reasonably adequate screening and landscaping so that such functions are not visible from the parallel street.

(3). Pad or outparcel sites along an arterial or collector road must comply with all provisions of Sec. 33-51 through 33-477, including, without limitation, Sec. 33-337.

(d) **Tiers 2 and 3**: Visual edges along connecting streets and other local streets in more intense areas take on increasing importance because more activity takes place outside of vehicles. In addition to the visual edge standards set forth in Subsections (a) and (b) above, the following visible edge standards apply in Tier 2 along the edge of all connecting streets and other local streets:

(1). Buildings must have their principal street facade within a reasonably close distance from the appropriate edge of the street. For connecting streets, if feasible, a reasonably close distance from the street and the pedestrian sidewalk along such connecting street would in any event not be greater than 120 feet, and would be designed to both mitigate building massing along the public space but also to create a more urban environment. For other local streets, such reasonably close distance, where feasible, would likely be nearer to the street and sidewalk, perhaps as close as 20 feet. There is no designated maximum building length; however reasonably appropriate articulation of the

mass and form of buildings is required to prevent such building from being unattractive from a visual perspective along such street.

(2). Private parking spaces and lots must be located behind the building and be visually buffered from the street. Parking may be accessed by a street, driveway, alley, or lane; these accesses may be secured with a operable metal gate if the gate's overall opacity is not unreasonably opaque so as to become a visual barrier to the view from the street.

(3). Building entrances must be clearly visible from and directly accessible from the street.

a. One entrance must be provided for each single-family detached and attached dwelling.

b. At least one common entrance must be provided for each multifamily and non-residential building unless units have individual entrances.

(4) Building entrances may open directly to the sidewalk or indirectly through a secure raised dooryard or exterior courtyard that is separated from the sidewalk by a medium height solid wall, not in excess of approximately 3.5 feet tall, which wall may also include an open metal fence up to a few feet in additional height, where overall wall and fence does not exceed approximately 6 feet in height.

(5) Medium height solid walls not in excess of approximately 3.5 feet tall may secure space between buildings but must be contiguous with, and not project beyond, any adjacent building's front façade unless part of an exterior courtyard entrance.

**Sec. 33 – 513. – Tier 1 General Standards.**

(a) **Use.** Except as otherwise limited hereby, development plans may propose any type of residential development in Tier 1 land that is allowed in the Village Center land use category and otherwise permissible by this land development code. The development plan must specify the proposed residential uses. In addition, only minimal non-residential uses may be proposed for Tier 1 land, and such non-residential uses must be entirely complementary and accessory to the proposed residential uses.

(b) **Tier 1- Only.** The following rules will apply to all Tier 1-only land. For purposes hereof, Tier 1-only land is that portion of the overall development parcel which is designated as Tier 1 and where Tier 2 or 3 has not been designated on top of Tier 1:

(1). The total number of dwelling units approved for Tier 1 land may be constructed only on Tier 1-only land and must meet the following requirements:

a. These dwelling units must be concentrated on no more than fifty percent (50%) of the Tier 1-only land.

b. The remaining fifty percent (50%) of the Tier 1-only land must be used for open space, surface water management, or held for potential future development in Tier 2 or Tier 3.

c. Land used for non-residential purposes under Tier 2 or Tier 3 will not be included in the acreage of Tier 1-only land when determining residential density as set forth in Sec. 33-505.

d. As Tier 1-only land is designated Tier 2 or Tier 3 on top of Tier 1 through a rezoning process, such land then becomes available for the development of additional higher density residential units and for non-residential development in accordance with the provisions thereof.

**c). Access Control.** If the development plans for a Tier-1 only residential development, as set forth in the pattern book provided with respect thereto, delineate areas where access would be controlled by fences, gates, walls and other forms of barriers to public access of such areas, including, without limitation, public access to the streets, sidewalks, trails, paths and other interconnection features of such areas, then the following standards shall apply:

(1). The nature and type of access control for such proposed residential development, the design of such access control features and how they will be seen from the connecting streets nearby such development, the distance of such access controlled areas from an arterial or collector road from the perspective of how the public on such roads will see and perceive the nature of such access control, and the factors underlying the need for such access control, particularly the specific need for security regarding such proposed development, will be reviewed and must be balanced in the rezoning process by the Village against the fact that the public will either not have access to such areas, or such access will be limited, and, as a result of such denial or limitation of access, the overall goals and objectives of the comprehensive plan, the land development code, and the General Criteria set forth in Sec. 33-502 with respect to the Village Center Area may be adversely impacted in whole or in part by the access controls under such development plan.

(2). Such a balancing test shall additionally take into consideration the size of the access controlled area as it relates to the total amount of other Tier 1 land, the proposed uses to be put to such other Tier 1 land, the uniqueness of the design of the access control features, and the other features that have been offered in the development plan to mitigate the denial or limitation of public access to such development parcel.

(3). Such a balancing test may result in a determination, among other things, that the proposed development plan may be approved, denied, or approved with conditions, or specifically would not qualify for the maximum residential densities available under the terms of Sec. 33-505.

**(d). Tier 1 Land Abutting Arterial or Collector Roads.**

Where development tracts abut an arterial or collector road, the overall distance between access points along such arterial or collector into and out of such development tract shall be considered as a part of the rezoning of such tract in order to make certain that a reasonable number of connecting streets are provided by such development plan so that

the distance between such connecting streets favors the walkability of streets and enhances connectivity.

**Sec. 33 – 514. – Tier 2 General Standards.**

In addition to compliance with the underlying Tier 1 standards set forth, the following additional standards apply to land within the Estero PD district that is also approved for Tier 2.

***(a) Primarily residential neighborhoods.***

(1) Tier 2 accommodates primarily residential neighborhoods that provide a variety of housing types in a walkable mixed-use pattern with higher densities and greater connectivity than Tier 1.

a. Tier 2 can comprise a small compact neighborhood or can be applied in increments as parts of other neighborhoods.

b. Development plans may include non-residential uses in Tier 2 provided they are not significant in relationship to the area of Tier 2 residential uses. This non-residential allowance can accommodate gathering places (see section 33-515(b) which are highly desirable in Tier 2.

c. Land used for non-residential purposes will be included in the acreage of Tier 2 land area when determining residential density.

(2) Development plans must indicate where Tier 2 will be located on the development tract being rezoned. Priority areas for Tier 2 are those that carry out the policies in the Estero Community Plan and which provide higher-intensity development in locations near the primary activity centers for neighborhoods.

***(b) Variety of housing types.***

(1) There are a variety of housing types that may be constructed in Tiers 2 and 3. These include detached houses (including cottages and side-yard houses), duplexes, apartment houses, row houses, live-work buildings, courtyard buildings, mixed-use buildings, pedestal buildings, and towers.

(2) The Village's goal is to have a significant variety of housing types in each neighborhood. To encourage flexibility, development plans are not required to identify specific housing types at the time of rezoning except that the location of buildings taller than 45 feet must be identified.

***(c) Public Civic Spaces.***

(1) The provision of publicly accessible civic spaces is optional in Tier 1 and is mandatory in both Tiers 2 and 3. Civic spaces must be strategically placed to encourage

public activity. Development plans must indicate the proposed type and location of civic spaces.

(2) Publicly accessible civic spaces may include greens, squares, plazas, neighborhood parks, playgrounds, community gardens, trails, nature preserves, etc. (see subsections 32-262(a) and (b)).

**Sec. 33 – 515. – Tier 3 General Standards.**

In addition to compliance with the underlying Tier 1 and Tier 2 standards, the following additional standards apply to land within this zoning district that is also approved for Tier 3.

***(a) Greater mix of uses.***

(1) Tier 3 accommodates mixed-use neighborhoods with similar attributes as Tier 2 but with significant non-residential uses. Development plans must include non-residential uses in Tier 3 at a reasonably significant level.

(2) Development plans must indicate where Tier 3 will be located on the site being rezoned. Priority areas for Tier 3 are those that carry out the policies in the Estero Community Plan and which provide the primary center of public activity for neighborhoods desirable to create social vitality. Tier 3 land is often surrounded by or a central part of Tier 2 neighborhoods.

(3) Land in Tiers 2 and 3 used for non-residential purposes will be included in the acreage of Tier 3 land area when determining residential density; land used for Type C private streets will not be included.

***(b) Gathering places.***

(1) The provision of publicly accessible gathering places is strongly encouraged in Tiers 1 and 2 and is mandatory in Tier 3.

(2) Development plans must indicate the proposed type and location of gathering places, which should be strategically placed to encourage activity.

(3) Gathering places allow the general public to congregate; examples include, without limitation:

a. Outdoor spaces such as parks, plazas, and farmers markets.
b. Cultural venues such as theaters and museums.
c. Civic spaces that include meeting rooms.
d. Businesses such as restaurants, coffee shops, and fitness centers.
e. Religious and social institutions.
f. Amenities adjoining sidewalks and trails such as benches, exercise stations, and gazebos.

**Sec. 33-516. – Tier 4 General standards.**

The additional standards described above apply to Tiers 1, 2, and 3 only. Land approved for Tier 4 must meet the standards in Chapter 32 of this land development code.

**Sec. 33-517. – Architectural Diversity and High Quality Development.**

(a) Architectural design and landscaping design are both seen as important to meet the General Criteria in Sec. 33-502. With respect to mixed-use areas, the ability to combine different, but compatible, uses by unified forms of architectural and landscaping design rather than by separation of uses is required.

(b) Architectural variety of buildings and unique approaches to design and structure are valued under these standards. While the design standards set forth in the Estero Community Plan and the land development plan require the developer to 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 for developers to follow in achieving unique solutions to their individual development plans.

(c) Likewise, and of equal importance, is the compatibility of such unique building designs with surrounding properties, adjacent buildings, and the public space, so that even in their uniqueness, the development plans are encouraged to share some or more of the characteristics of their neighbors. In that fashion, new buildings will be valued if they help to generate a sense of cohesive framework in the Village Center Area.

(d) Of similar importance to the Village is the high quality of the development plans in the Village Center Area. The goal of the Village in this area shall be to create a permanency of structures that will withstand the test and rigors of our Southwest Florida climate in ways that enhance the likelihood that such buildings and other structures will outlast their initial planned use or cost recovery. In such a way, the buildings will be able to be reused or readapted for other uses, which may become market-driven in the future. This goal enhances the value of all buildings and other structures in the Village Center Area by the ability to preserve and adapt to changing economic and social needs for the future. This element of sustainability and high quality will be encouraged and valued with respect to all development plans in the Estero PD district.

(e) Similar to the requirement of high quality and sustainability of a development plan, the sensitivities of such plan to the ecology and environment in the Village is also highly valued. The ability to use materials, especially recyclables, which directly impact and reduce both the energy cost to produce such materials and the actual energy demands of the resulting building itself are to be highly valued in the Village Center Area.

(f) The overall standards for high quality development and sustainability in terms of environmental and ecological sensitivity are further advanced by the concept of incremental development in the Estero PD district. By requiring all development to be designated as Tier 1 and allowing further, more intense development with higher

residential densities and non-residential uses in Tiers 2 and 3, the Village encourages a series of development plans for the larger parcels and tracts in the Village Center Area which would occur over time on a market-driven basis. This incremental development would, over time, continue to create higher values for land remaining undeveloped in such a way as to promote a variety of compatible uses in the Village Center Area based on the changing patterns of land development. The use of high quality construction allows for adaptive reuse of buildings and adds to the incremental value of development over time, benefiting both the Village and the developers.

**Sec. 33-518. – Public benefits and Incentive Offers.**

(a) **Additional Densities.** Applicants requesting either the Estero PD district or the Compact Planned Development district may choose to make various incentive offers to the Village to advance the public benefits of their unique development proposals. Sec. 33-505 sets forth the maximum residential densities in each of the Tiers under the Estero PD district. These maximum residential densities include Base Densities if all requirements of the applicable Tier are met, and also Additional Densities if both all requirements of the applicable Tier are met and incentive offers are accepted by the Village as providing significant public benefits.

(b) **Village Determination.** Incentive offers in connection with rezonings or other applications in the Estero PD district are entirely voluntary on the part of applicants as a means to achieve maximum residential densities allowable under Sec 33-505 with respect to a development plan. In each case of incentive offers made to the Village, the Council shall determine whether or not such incentive offers:

(1) meet or exceed the goals and objectives of the comprehensive plan,
(2) meet or exceed the General Criteria under Sec. 33-502, and
(3) create significant public benefit commensurate with the value of such incentive offers to the Village, and the appropriateness of such incentive offers to the applicable Tier and to the particular development plan.

Such determination in shall be set out in writing by the Village as a part of its decision to rezone property to the Estero PD district (a "Determination").

As a part of the making of a Determination, with respect to the approval or denial or approval with conditions of a development plan, and to the extent allowed by law, the Village may consider a request for the granting of impact fee credits, in whole or in part, for the actual cost of incentive offers which provide for significantly high value and public benefit to the Village, and where it would not be feasible for the Village to pay or develop such a high value public benefit on its own part. As part of its Determination, the Village may also consider making public investments under its capital improvements budget, which may encourage additional incentive offers with higher public benefits and value to the Village. Such public investments could include public benefits like advanced street design, crossings for the railroad, off-street parking facilities, and other similar public

benefits. All of such impact fee credits or public investments shall be solely and exclusively the decision of the Village.

(c) **Types of Incentives**. Different types of incentive offers are described in the subsections that follow on a tier basis. The listing of a particular type of incentive offer with respect to a particular tier is not intended to require that such incentive type is limited to that tier. Instead, while incentive offers may be made with any incentives listed in any tier, the appropriateness of the incentive offer to the particular tier in question and to the particular development plan will be an important factor in a Determination to be made by the Village.

(d) **Value of Incentive Offers**. As to each different type of incentive offer, the general value to the Village in terms of public benefit as related to other listed incentives is also enumerated as a general range of value. The overall value to the Village in terms of public benefit derived from the total of all of the incentive offers shall be weighed in making a Determination with respect to the Additional Densities to be allowed with respect to a rezoning or other land use decision.

The fact that an incentive offer is not listed or enumerated as a type of incentive offer that has been valued by the Village should not be deemed to preclude consideration of other incentive offers. It is not deemed to be an exclusive list. Future incentive offers may be different variations or otherwise new types of incentives that are both appropriate and valued in terms of public benefit and shall be considered by the Village in making a Determination. Finally, within the value designation of each type of incentive, there are likely to be a range of relative values, which then impact the overall value and overall public benefit differently. By way of example, an 8' or more multi-modal path would have a significantly higher value and public benefit that a 6' bike path/sidewalk even though both types of bike/hike paths are considered as having a high value overall.

(e) **Tier 1 Incentive Offers:**

(1) Interconnectivity. (High Value) In Tier 1, the level of connectivity has the highest value to the Village in terms of overall pubic benefit. To the extent that greater connectivity is offered in excess of the requirements with respect to Tier 1 development, the applicant would increase the likelihood of receiving a favorable Determination. Likewise, in Tier 1, if the level of connectivity does not meet the requirements with respect to such Tier, the Determination may be adversely impacted in terms of meeting the requirements for both Base Densities and Incentive Densities. Examples of interconnectivity offers that have a very high value to the Village include provision for a bike/walk overpass over the railroad, bridges over the Estero River, provision of additional entrances to the Estero Community Park, solutions that increase the safety of crossing US 41, and similar solutions to needed connectivity.

(2) Preserve additional indigenous vegetation. (Low-Medium Value). Protect more indigenous habitat for properties where such habitat is present.

(3) Off-site public improvements. (Medium Value). Off-site improvements such as cross walks, protected bike lanes, protected intersections (Dutch Intersection),

landscaping of street medians, street beautification including planting strips, street hardscapes, etc.

(4) Enhanced site landscaping. (Low-Medium Value). Landscaping of the development site significantly in excess of land development code requirements.

(5) Enhanced Street Design. (Medium-High Value). Sidewalks a minimum of 6' wide on both sides of street if residential or a minimum of 8' wide on both sides of the street if non-residential.

(6) Public civic spaces. (Medium-High Value). Some level of the on-site development parcel is dedicated to public civic spaces

**(f) Tier 2 Incentive Offers.**

(1) Public hike/bike trails. (High Value). Public Hike and Bike Trails, either on or off-site, received one of the highest levels of public support in the Village.

(2) Gathering places. (Medium-High Value). See Sec. 33-515(b) for description.

(3) River trail easement. (High Value). A trail along the Estero River for properties that abut the River is seen by the public as having a very high value.

(4) Enhanced Estero River Buffer. (High Value). Incentive offers which create a wider buffer or separation area from the Estero River than required are highly valued.

(4) Site for civic building. (Medium Value). Donation of a building site for a civic building such as a transit station or village hall.

(5) Architectural Excellence/Innovation Design. (High Value). The ability to create structures of high quality both with respect to materials and design within the limitation of the land development code requirements creates lasting high value to the Village. Enhanced designs which increase sustainability and lower ecological and environmental impacts, such as buildings which meet high LEED standards, are highly valued.

**(g) Tier 3 Incentive Offers.**

(1) On-street parking. (Medium-High Value). The public benefit of broad connecting streets with traffic calming and the feeling of relative safety of pedestrians from moving vehicles created by a barrier of on-street parked cars is seen as a very highly desirable public benefit.

(2) Off-street parking. (Medium-High Value). Development plans with deviation requests for reduced parking levels which are accompanied with plans for either off-street parking or structured parking facilities, especially in non-residential areas, will be viewed as high value offers. Such plans may include requests for deviations to reduce the required parking level requirements under the land development code.

(3) Construct civic improvements. (Low-Medium Value). Development plans which offer to construct civic improvements for the Village are ranked at a lower level than other incentive offers.

(4) Off-site civic spaces. (Low-Medium Value). Construction of civic spaces off-site are seen as a lower value than on-site civic spaces.

(5) Cultural Spaces. (High Value). Offers to create or facilitate cultural activities in the Village Center Area are highly valued.

(6) Historic Preservation. (High Value). Offers to enhance historic preservation of historically significant structures, especially those near the Estero River, at highly valued.

(h) **Tier 4 incentive offers.**

(1) Vertical mixed use. (High Value). Development plans with vertical mixed use where non-residential uses such as office, retail, or dining are at the ground level and residential uses above.

(2) Other offers. Developers seeking Tier 4 may also choose any of the incentive offers listed for Tiers 1, 2, or 3.

**Sec. 33-519. – Uses.**

(a) **General Provisions**. In lieu of the methods for assigning land uses set forth in Division 9 of Chapter 34 of the land development code, requests for rezoning and other forms of land use determinations in the Estero PD Zoning District shall comply with the use provisions set forth in this Sec. 33-519.

(b) The uses permitted under Table 33-519(b) may be permitted in the Estero PD Zoning District when consistent with the goals, objectives, and policies of the comprehensive plan for the land use category in which the property is located, and when approved on the enumerated documentation of the master concept plan or the development plan for such property. Uses that are not specifically listed in Table 33-519(b) may also be permitted if, in the opinion of the Village, they are substantially similar to a listed permitted use.

**Sec. 33-520 – Approval Process for Rezonings and other Land Use Applications in the Estero PD Zoning District.**

(a) **General Provisions.**

(1) The Charter for the Village provides, in part, that all powers and duties of the Lee County Department of Community Development, the Lee County Hearing Examiner, and the Board of County Commissioners of Lee County, as set forth in the land development code, shall be vested in the Village Council until such time that the Council delegates all powers and duties, or a portion thereof, to another agency, department or entity.

(2) Pursuant to Ordinance 2015-01, the Village of Estero has created two land use boards, the Planning and Zoning Board ("PZB") and the Design Review Board ("DRB") and has delegated certain of its powers under the Charter for purposes of the land development code to such land use boards, as more specifically set forth therein. Ordinance 2015-01 specifically overrides any conflicting provisions of any ordinances of Lee County which are in conflict with any of the provisions of such Ordinance.

(3) Under Ordinance 2015-01, the PZB is empowered, among other actions, to hold hearings and to advise the Village Council on applications for rezonings. Likewise, the DRB is empowered, among other things, to approve or disapprove applications for development orders under the land development code.

(4) With respect to applications for rezoning under the Estero PD district, the DRB is hereby additionally empowered, to advise the PZB with respect to the compliance of the Pattern Book required by Section 33-507 hereof with the General Criteria set forth in Section 33-502, and as to how the development plan to be delivered in connection with such application, even at the more conceptual stage of approval for rezoning complies, with the General Criteria for the DRB set forth in Sec. 3-4 of Ordinance 2015-01. In furtherance of such advice to the PZB, the DRB shall hold a public hearing to determine such advice to the PZB, but shall not be required to hold a pubic information workshop under Sec. 3-3(3) of such Ordinance prior to or with respect to such public hearing. Such advice to the PZB shall not be deemed to affect the responsibilities of the DRB with respect to the approval, approval with conditions, or disapproval of a subsequent development order with respect to the property seeking rezoning when the plans and specifications for such development order become more specific. At such time the DRB shall again consider both the compliance with the General Criteria as set forth in Section 33-502 and its own General Criteria under said Ordinance 20i5-01.

**Secs. 33-521—33-600. - Reserved.**

## DIVISION 6. – FRAMEWORK PLAN

### Sec. 33-601. – Connecting network.

A framework plan is a schematic diagram for a network of interconnected streets, corridors, trails, and waterways that traverse development tracts. Constructing and maintaining this network, or a substantially similar network, is vital for creating a series of interconnected neighborhoods and mixed-use areas instead of isolated development projects. Figure 33-601 is the framework plan for Village Center Area.

### Sec. 33-602. - Applicability.

Development plans prepared for Compact Planned Development and Estero PD district zoning requests must demonstrate their compliance with all required aspects of the framework plan, or a substantially similar network.

**Secs. 33-603—33-1000.** - Reserved.

~~Article III. – Greater Pine Island~~

~~Article IV. - Page Park Planning Community~~[2]

~~Article V. - Lehigh Acres Planning Community~~

~~Article VI. - Matlacha Residential Overlay~~

~~Article VII. - Caloosahatchee Shores Planning Community~~

~~Article VIII. - North Fort Myers Planning Community~~

~~Article IX. - Captiva~~

~~Article X. - North Olga~~

~~Article XI. - Upper Captiva~~

# Chapter 34 – ZONING

## Article IV. – Supplementary District Regulations

## DIVISION 12. – DENSITY

## Subdivision II. – Residential Development

### Sec. 34-1494. - Density equivalents.

(a) **Applicability.** The density equivalents set forth in this subsection will be used in situations where it is necessary to convert permissible uses to residential dwelling unit equivalents. When permitted by the use regulations in a zoning district that permits dwelling units, the permissible density equivalents may not exceed the density limitations set forth in the zoning district or land use category (whichever is less) in which the property is located. In situations where the Lee Plan does not specify a standard density range, such as the interchange areas, the permissible density equivalents may not exceed ten dwelling units per acre.

(b) **Equivalency factors:**

(1) Where health care, social service, adult living facilities (ALF), continuing care facilities, or other "group quarters" (df) are provided in dwelling units, wherein each unit has its own cooking facilities, density equivalents will be calculated on a 1:1 ratio.

(2) Except as may be specifically set forth elsewhere in this chapter, where health care, social service, adult living facilities (ALF), continuing care facilities (CCF), or other "group quarters" (df) are provided in dwelling units or other facilities wherein each unit does not have individual cooking facilities and where meals are served at a central dining facility or are brought to the occupants from a central kitchen, density equivalents will be calculated at the ratio of four people equals one dwelling unit.

A planned development, for which the master concept plan states the number of persons that may occupy an approved adult living facility (ALF) or Continuing Care Facility (CCF), may request an amendment to the approved master concept plan to reflect the increased number of occupants based upon the equivalency factor set forth in this section (if applicable). Such amendment will be considered a minor administrative amendment

that will be deemed to not increase density and may be approved pursuant to section 34-380(b) as long as existing floor space is not increased to accommodate the increased number of occupants. If increased floor space is required, then a public hearing will be required.

(3) Notwithstanding subsection (b)(2) above, no density equivalency calculation is required for a bed and breakfast (df) in an owner-occupied conventional single-family residence (df) accommodating four or less lodgers. If the bed and breakfast will accommodate more than four lodgers, then the equivalency will be calculated as four lodgers equals one dwelling unit.

(4) Notwithstanding subsection (b)(2) above, no density calculation is required for hospital, prison, jail, boot camp, detention center, or other similar type facility owned or operated by a County, state or federal agency.

(5) Where dwelling or living units have "lock-off accommodations," density will be calculated as follows:

a. Hotels/motels: "Lock-off units" will be counted as separate rental units regardless of size.

b. Timeshare units: Lock-off units will be counted as separate dwelling units whether or not they contain cooking facilities, as follows:

i. Studio units will be counted as 0.1 dwelling units;

ii. One bedroom units will be counted as 0.25 dwelling units;

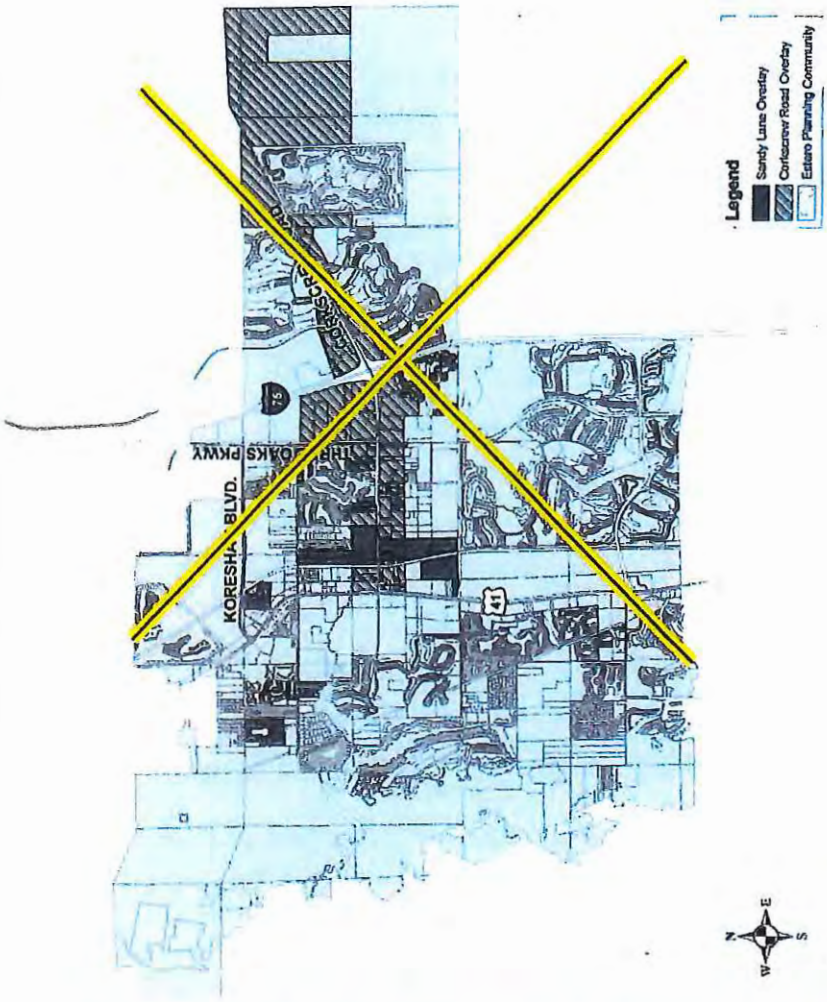
iii. Two bedroom units will be counted as 0.5 dwelling units;

iv. Three or more bedrooms will be counted as a full dwelling unit.

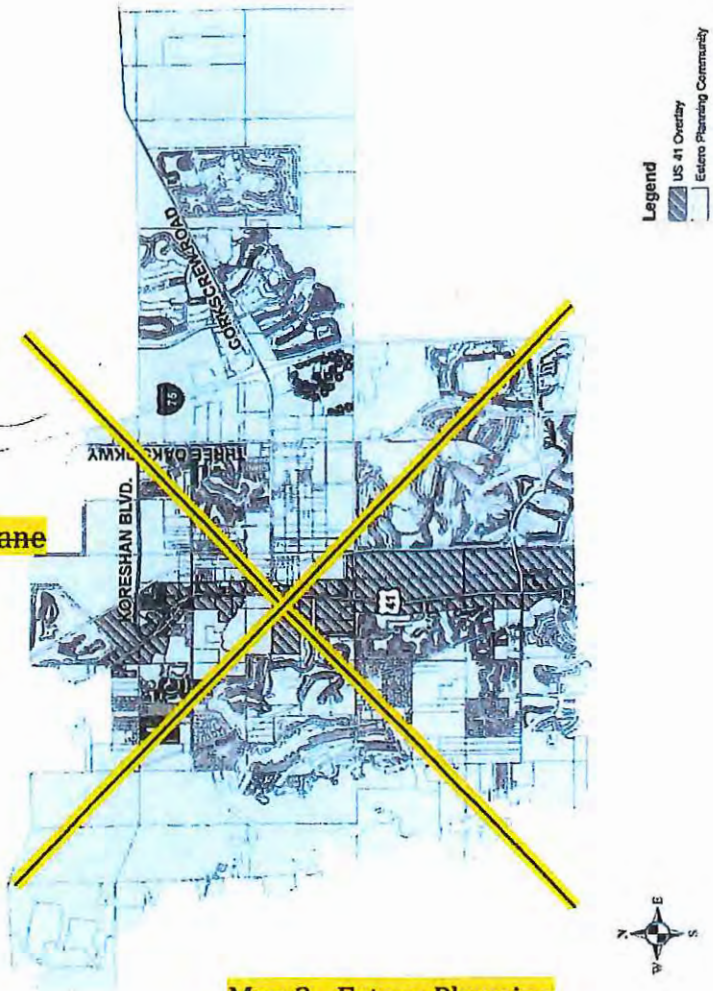
(6) Where dwelling or living units are smaller than 750 square feet, density will be calculated by counting each unit as 0.5 dwelling units.

(c) **Determination of permitted density.** The maximum permitted density shall be determined by multiplying the number of dwelling units permitted (see subsection (a) of this section) by the appropriate equivalency factor.

**~~APPENDIX I - Planning Community and Redevelopment Overlay District Boundaries and Legal Descriptions~~**




~~Map 1 - Estero Planning Community, Corkscrew/Sandy Lane Overlay~~




~~Map 2 - Estero Planning Community, US 41 Overlay~~

~~Map 3 - San Carlos Island Overlay District~~

~~Map 4 - San Carlos Island Zoning Overlay~~

~~Map 5 - Greater Pine Island Community Plan~~

~~Map 6 - Page Park Community Overlay Map~~

~~Map 7 - North Fort Myers Planning Community, Neighborhood Center #1~~

~~Map 8 - North Fort Myers Planning Community, Neighborhood Center #2~~

~~Map 9 - North Fort Myers Planning Community, Neighborhood Center #3~~

~~Map 10 - North Fort Myers Planning Community, Neighborhood Center #4~~

~~Map 11 - North Fort Myers Planning Community, Neighborhood Center #5~~

~~Map 12 - North Fort Myers Planning Community, Neighborhood Center #6~~

~~Map 13 - North Fort Myers Planning Community, Neighborhood Center #7~~

~~Map 14 - Caloosahatchee Shores Planning Community~~

~~Map 15 - Caloosahatchee Shores Planning Community: State Route 80 Corridor Overlay~~

~~Map 16 - Matlacha Residential Overlay~~

~~Map 17 - Upper Captiva LDC Boundary~~

# LAND DEVELOPMENT CODE AMENDMENTS

# DRAFT, MAY 24, 2016

# EXHIBITS

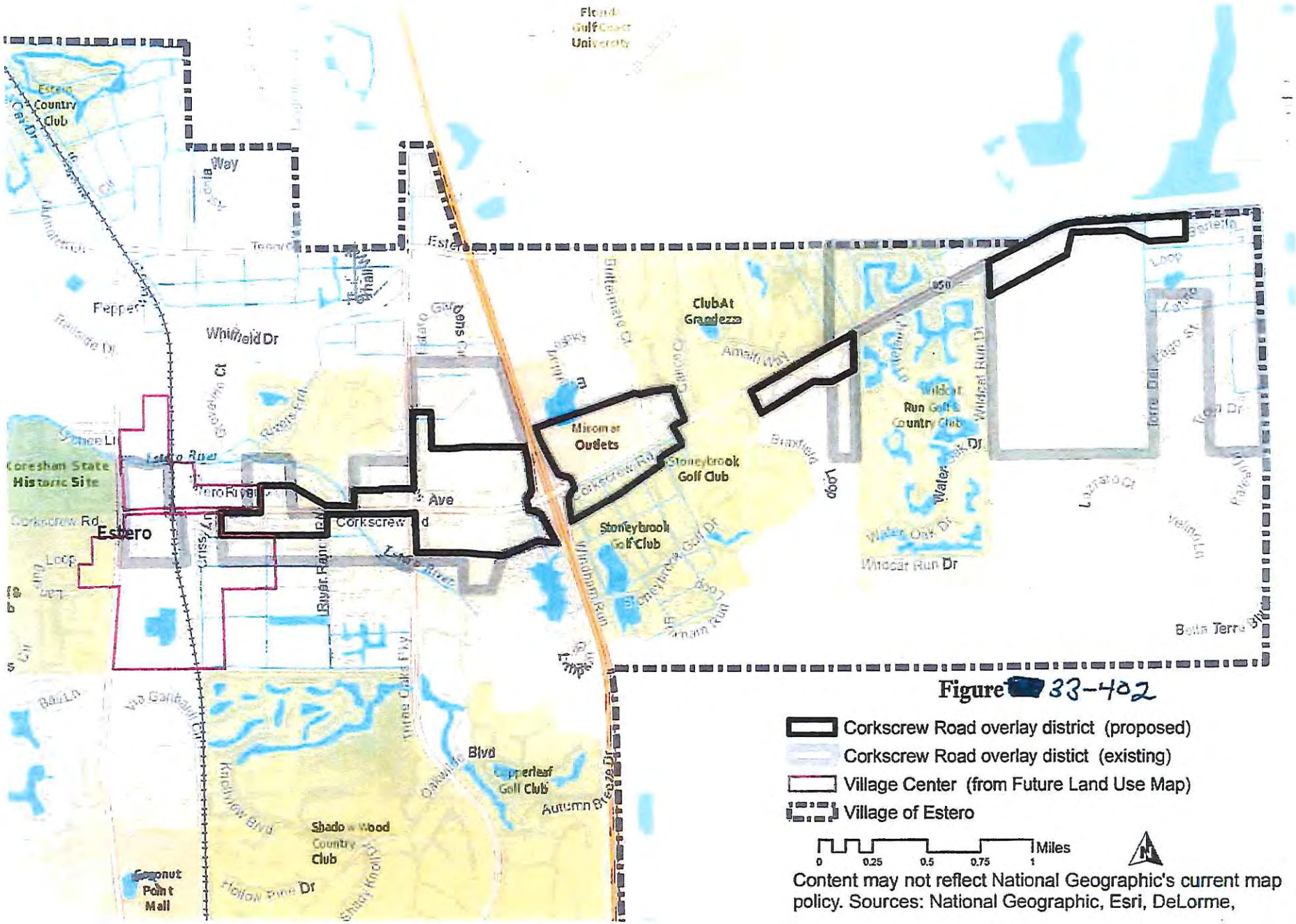
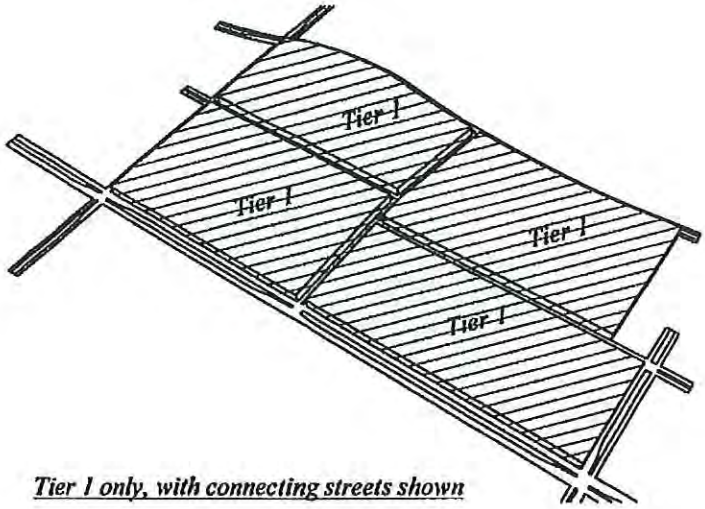


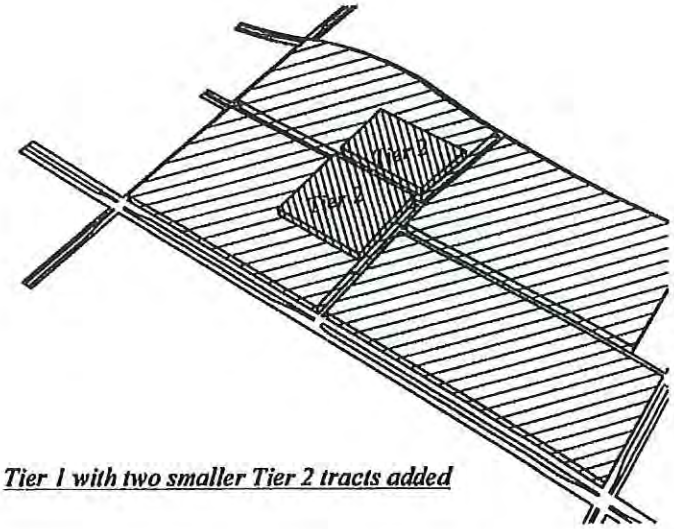

Figure [redacted] 33-402

Content may not reflect National Geographic's current map policy. Sources: National Geographic, Esri, DeLorme,

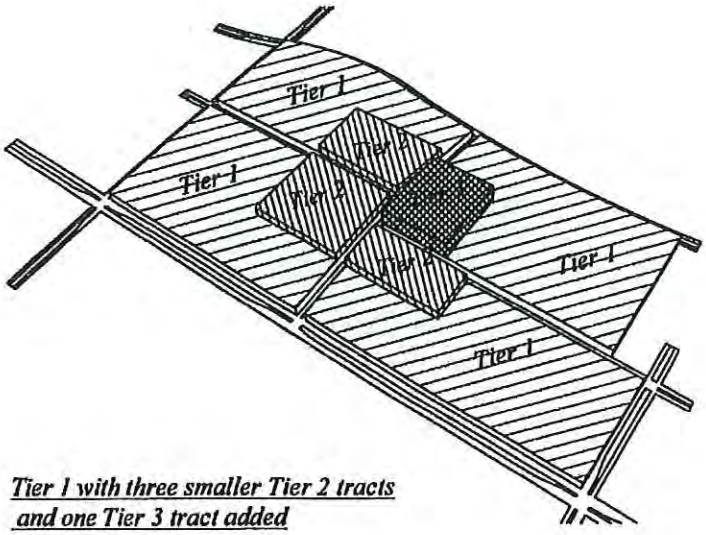
**Figure 33-504(b)**



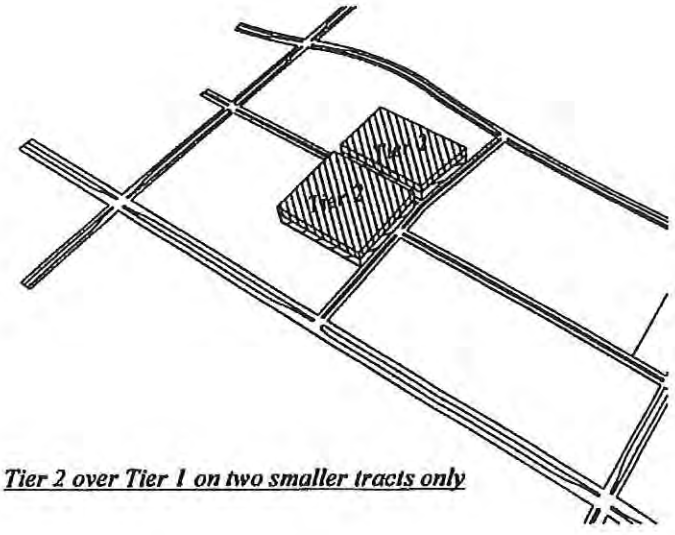

*Tier 1 only, with connecting streets shown*




*Tier 1 with two smaller Tier 2 tracts added*

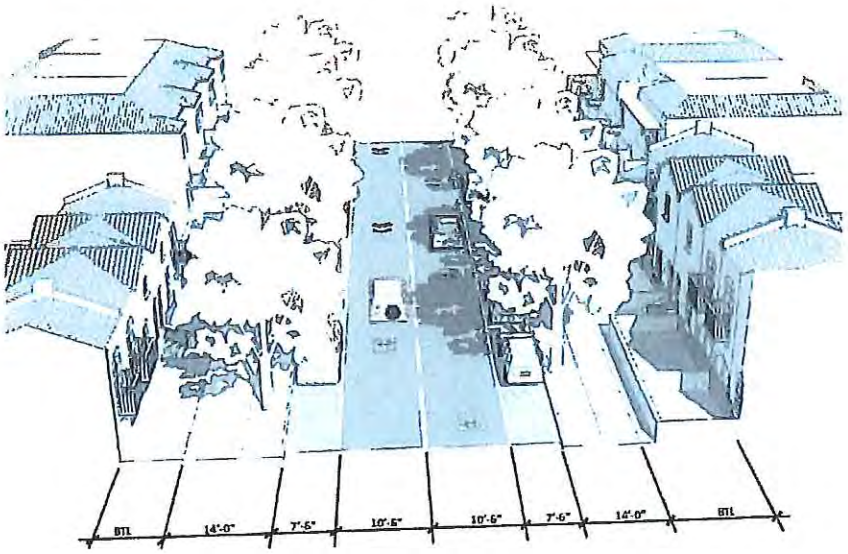



*Tier 1 with three smaller Tier 2 tracts and one Tier 3 tract added*

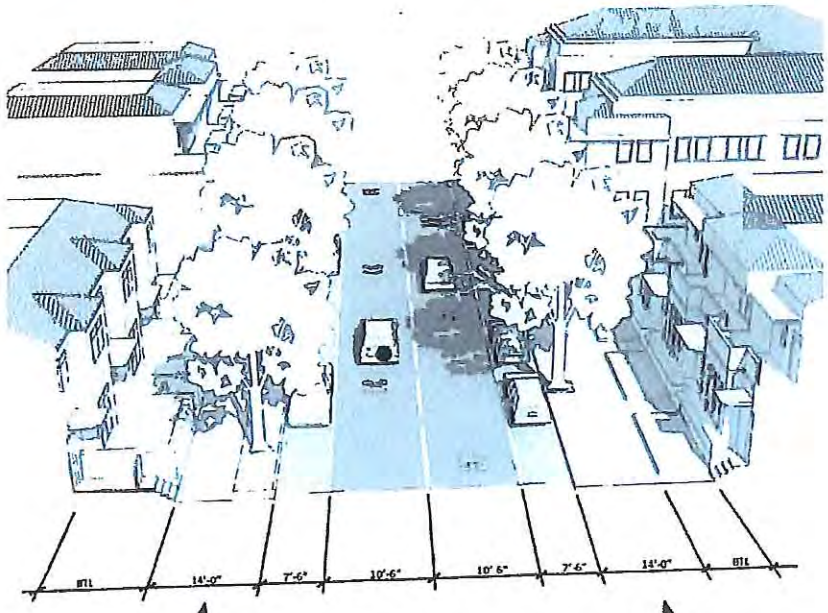



*Tier 2 over Tier 1 on two smaller tracts only*

**Figure 33-506(c): Cross Section of Connecting Streets.**



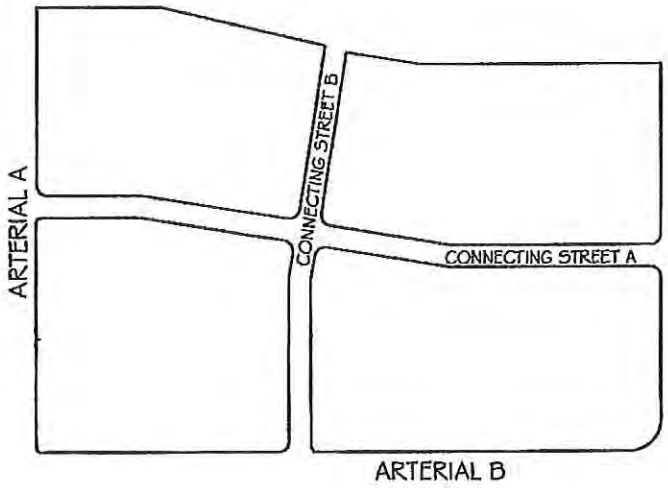

(typical sidewalk and planting strip
for blocks designated as Tier 1 or 2)




Typical sidewalk and planting strip
for blocks designated as Tier 2

Typical sidewalk and street tree wells
for blocks designated as Tier 2 or 3

Figure 33-508(b) Connecting Streets.



# Table 33-519(b)
## Use Regulations Table
## EPD Planned Development District

| | Special Notes or Regulations | EPD |
|---|---|---|
| Accessory uses and structures | Note (1), 34-1171 et seq., 34-2441 et seq., 34-1863, 34-2141 et seq., 34-3106 | P |
| Accessory Apartment | Note (2), (21), & (28), 34-1177 | P |
| Administrative Offices | Note (1) | P |
| Agricultural Services: Office/Base Operations | | P |
| Agricultural Uses and Agricultural Accessory Uses | | P |
| Aircraft Food Services and Catering | | - |
| Aircraft Landing Facilities, Private | 34-1231 et seq. | - |
| Airport Operations Facilities | | - |
| Amateur Radio Antennas and Satellite Earth Stations | 34-1175 | |
| Amusement Park | | - |
| Animals: | | |
| Clinic or Kennel | 34-1321 et seq. | P |
| Control Center (Including Humane Society) | | P |
| Keeping and Breeding of Class I or Class II Animals (df) | 34-1291 et seq. | - |
| Assisted Living Facility | Note (35) & (47) 34-1491 et seq., 34-1411 | P |
| ATM (Automatic Teller Machine) | | P |
| Auto Parts Store | 34-1353 | P |
| Automobile Repair and Service (34-622(c)(2)), all groups | 34-1351, 34-1353 Note (41) | P |
| Automobile Service Station | Note (41), 34-1351, 34-1353 | P |
| Bait and Tackle Shop | Note (49) | P |
| Banks and Financial Establishments (34-622(c)(3)): | | |
| Group I | | P |
| Group II | | P |
| Bar or Cocktail Lounge | 34-1261 et seq. | P |
| Bed and Breakfast (df) | Note (28), 34-1494 | P |
| Boarding House | Note (28) | - |
| Boats: | | |
| Boat Parts Store | | P |
| Boat Ramps and Dockage (not Marinas) | | P |
| Boat Rental | | P |
| Boat Repair and Service | 34-1352, 34-3001 ET SEQ. | P |
| Boat Sales | | - |
| Boat Storage, Dry | | - |

| | | |
|---|---|---|
| Boatyard | Note (5) | - |
| Broadcast Studio, Commercial Radio and Television | 34-1441 et seq. | P |
| Building Material Sales (34-622(c)(4)) | 34-3001 et seq. | - |
| Business Services (34-622(c)(5)): | | |
| Group I | | P |
| Group II | Note (12), 34-1352 | P |
| Bus Station/Depot | 34-1381 et seq. | P |
| Camping Cabins | Note (28) | P |
| Caretaker's Residence | Note (34) | P |
| Car Wash | 34-1353 | P |
| Cemetery, Columbarium, Mausoleum | | - |
| Cleaning and Maintenance Services (34-622(c)(7)) | | P |
| Clothing Stores, General (34-622(c)(8)) | | P |
| Clubs: | | |
| Country | | P |
| Commercial | | P |
| Fraternal, Membership Organization | 34-2111 | P |
| Private | 34-2111 | P |
| Cold Storage, Pre-cooling, Warehouse and Processing Plant | | - |
| Commercial Fishery | | - |
| Commercial Use of Beachfront Seaward of the Coastal Construction Control Line | Note (7), 34-3151 | - |
| Communication Facility, Wireless | 34-1441 et seq. Note (22) | |
| Community Gardens | 34-1716 | AA |
| Community Residential Home | Note (35) | P |
| Compact Community | Note (48) | |
| Computer and Data Processing Services | | P |
| Consumption on Premises | 34-1261 et seq., Note (49) | P |
| Continuing Care Facilities | Note (28), 34-1414 | P |
| Contractors and Builders (34-622(c)(9)), all groups | 34-1352, 34-3001 et seq. | P |
| Convenience Food and Beverage Store | 34-1353 | P(27) |
| Correctional Facility | Note (28) | - |
| Cultural Facilities (34-622(c)(10)) | | P |
| Day Care Center, Child, Adult | Note (28) | P |
| Department Store | | P |
| Dormitory | Note (28) | - |
| Drive-Through Facility for any permitted use | | P |
| Drugstore, Pharmacy | | P |
| Dwelling Unit: | | |
| Live-Work | 34-1773 | P |

| | | |
|---|---|---|
| Single-Family | Note (29) | P |
| Duplex | Note (29) & (43) | P |
| Two-Family Attached | Note (28) & (43) | P |
| Townhouse, Multiple-Family Building | Note (28) | P |
| Mobile Home | Note (29) | P |
| Zero Lot Line | Note (28) | P |
| Entrance Gates and Gatehouse | 34-1741 et seq. | P |
| Emergency Operations Center | | P |
| EMS, Fire or Sheriff's Station | | P |
| Essential Services | Note (1), 34-1611 et seq., 34-1741 et seq. | P |
| Essential Service Facilities (34-622(c)(13)): | | |
| Group I | Note (1), 34-1611 et seq., 341741 et seq., 34-2141 et seq. | P |
| Group II | Note (1) & (45), 34-1611 et seq., 34-1741 et seq., 34-2141 et seq. | P |
| Group III | Note (1), 341611 et seq., 34-1741 et seq., 34-2141 et seq. | P |
| Excavation: | | |
| Mining | Note (44), 12-101 et seq. | - |
| Water Retention | 34-1651 | P |
| Oil or Gas | 34-1651 | - |
| Excess Spoil Removal | Note (42), 10-329 | P |
| Factory Outlets (Point of Manufacture Only) | | P |
| Farm Equipment, Sales, Storage, Rental or Service | | - |
| Farm Labor Housing | Note (33), 34-1891 et seq. | - |
| Feed or Fertilizer, Mixing and Sales | | - |
| Fences, Walls | Note (1), 34-1741 et seq. | P |
| Fish House, Wholesale | | - |
| Fishing Piers | | P |
| Flea Market: | | |
| Open | | - |
| Indoor | | - |
| Food and Beverage Service, Limited | Note (1) | P |
| Food Stores (34-622(c)(16)): | | |
| Group I | Note (49) | P |
| Group II | Note (49) | P |
| Forestry Tower | | P |
| Fraternity House | Note (28) | - |
| Freight and Cargo Handling Establishments (34-622(c)(17)) | | - |
| Funeral Home and Mortuary (with or without a crematory) | | P |
| Gasoline Dispensing System, Special | | P |
| Gift and Souvenir Shop | Note (49) | P |
| Golf Course | | P |
| Golf Driving Range | | P |
| Hardware Store | | P |

| | | |
|---|---|---|
| Hatcheries, Poultry | | - |
| Health Care Facilities (34-622(c)(20)): | | |
| Group I | Note (28) & (47) | P |
| Group II | Note (28) & (47) | P |
| Group III | | P |
| Group IV | Note (28) & (47) | P |
| Heliport or Helistop | | P |
| Hobby, Toy, and Game Shops (34-622(c)(21)) | | P |
| Home Care Facility | Note (1) & (28) | P |
| Home Occupation | Note (1) & (31), 34-1771 et seq. | P |
| Hospice | Note (28) | P |
| Hotel/Motel | 34-1801 et seq., Note (36) | P |
| Household and Office Furnishings (34-622(c)(22)), all groups | | P |
| Housing Units for Employees Only | Note (33) | P |
| Impound yard | 34-1831 et seq., 34-2443 | - |
| Insurance Companies (34-622(c)(23)) | | P |
| Laundry or Dry Cleaning (34-622(c)(24)): | | |
| Group I | | P |
| Group II | | P |
| Lawn and Garden Supply Stores | 34-2081 | P |
| Library | Note (28) | P |
| Maintenance Facility (Government) | | P |
| Manufacturing of: | | |
| Apparel Products (34-622(c)(1)) | Note (5) | P |
| Boats | Note (5) | - |
| Chemical and Allied Products (34-622(c)(6)) | | - |
| Group I | Note (5) | - |
| Group II | Note (5) | - |
| Electrical Machinery and Equipment (34-622(c)(11)) | Note (5) | - |
| Fabricated Metal Products (34-622(c)(14)): | | - |
| Group I | Note (5) | - |
| Group II | Note (5) | - |
| Group III | Note (5) | - |
| Food and Kindred Products (34-622(c)(15)): | | |
| Group I | Note (5) | - |
| Group II | Note (5) | - |
| Group III | Note (5) | - |
| Furniture and Fixtures (34-622(c)(18)) | Note (5) | - |
| Leather Products (34-622(c)(25)): | | |

| | | |
|---|---|---|
| Group I | Note (5) | - |
| Group II | Note (5) | - |
| Lumber and Wood Products (34-622(c)(26)): | | |
| Groups I, III, IV, V and VI | Note (5) | - |
| Group II | Note (5) | - |
| Machinery (34-622(c)(27)), all groups | Note (5) | - |
| Measuring, Analyzing and Controlling Instruments (34-622(c)(28)) | Note (5) | - |
| Novelties, Jewelry, Toys and Signs (34-622(c)(29)), all groups | Note (5) | - |
| Paper and Allied Products (34-622(c)(31)) | | |
| Group I | Note (5) | - |
| Group II | Note (5) | - |
| Group III | Note (5) | - |
| Petroleum (34-622(c)(34)) | Note (5) | - |
| Primary Metal Industries (34-622(c)(35)) | Note (5) | - |
| Rubber and Plastic Products (34-622(c)(44)): | | |
| Group I | Note (5) | - |
| Group II | Note (5) | - |
| Stone, Clay, Glass and Concrete Products (34-622(c)(48)): | | - |
| Group I | Note (5) | - |
| Group II | Note (5) | - |
| Group III | Note (5) | - |
| Group IV | Note (5) | - |
| Textile Mill Products (34-622(c)(50)), all groups | Note (5) | - |
| Tobacco Products (34-622(c)(51)) | Note (5) | - |
| Transportation Equipment (34-622(c)(52)): | | |
| Group I | Note (5) | - |
| Groups II, III and IV | Note (5) | - |
| Marina | 34-1862 | - |
| Medical Office | | - |
| Mobile Home Dealers | 34-1352 | - |
| Models: | | |
| Display Center | 34-1951 et seq. | P |
| Model Home | 34-1951 et seq. | AA |
| Model Unit | 34-1951 et seq. | AA |
| Motion Picture Production Studio | | P |
| Multislip Docking Facility | | P |
| Nightclubs | 34-1261 et seq. | P |
| Nonstore Retailers (34-622(c)(30))< all groups | | P |
| Parcel and Express Services | | P |

| | | |
|---|---|---|
| Package Store | 34-1261 et seq. | P |
| Paint, Glass and Wallpaper | | P |
| Parks (34-622(c)(32)): | | |
| Group I | | P |
| Group II | | P |
| Park Trailers | Note (28) | - |
| Parking Lot: | | |
| Accessory | | P |
| Commercial | | P |
| Garage, Public | | P |
| Park-and-Ride | 34-1388 | P |
| Temporary | 34-2022 | P |
| Personal Services (34-622(c)(33)): | | |
| Group I | 34-3021 | P |
| Group II | | P |
| Group III | | P |
| Group IV | | P |
| Pet Services | | P |
| Pet Shop | | P |
| Pharmacy | | P |
| Photofinishing Laboratory | Note (5) | P |
| Place of Worship | Note (28), 34-2051 et seq. | P |
| Plant Nursery | 34-2081 | P |
| Post Office | | P |
| Printing and Publishing (34-622(c)(36)) | Note (5) | P |
| Prison | Note (28) | - |
| Processing or Packaging of Agricultural or Fish Products | Note (5) | - |
| Processing and Warehousing | | - |
| Racetracks (34-622(c)(37)): | | |
| Group I | | - |
| Group II | | - |
| Real Estate Sales Office | Note (23), 34-1951 et seq., 34-3021 | P |
| Recreation Facilities: | | |
| Commercial (34-622(c)(38)) Groups I, III | | P |
| Commercial (34-622(c)(38)) Group IV | | P |
| Group V | | P |
| Personal | Note (1) | P |
| Private-on-Site | Note (1) | P |
| Private-off-Site | Note (1) | P |
| Recreational Vehicles | Note (28) | - |
| Recycling Facility | | - |
| Religious Facilities | Note (28), 34-2051 et seq. | P |
| Rental or Leasing Establishment (34-622(c)(39)): | | |
| Group I | 34-1352. 34-3001 et seq., Note (49) | P |
| Group II | 34-1201 et seq., 34-1352, 34-3001 et seq. | P |
| Group III | 34-1352, 34-3001 et seq. | P |
| Group IV | 34-1201 et seq., 34-1352, 34-3001 et seq. | P |
| Repair Shops (34-622(c)(40)): | | |

| | | |
|---|---|---|
| Group I | | P |
| Groups II, III, IV | | P |
| Group V | | P |
| Research and Development Laboratories (34-622(c)(41)): | | |
| Group I | | P |
| Group II | | P |
| Group III | | P |
| Group IV | | P |
| Residential Accessory Uses (34-622(c)(42)) | Note (1) & (31), 34-1171 et seq. | P |
| Resource Recovery Facilities: | | - |
| Recovery Facilities to Produce Energy Recovery Facilities, Other | 34-3001 ET SEQ. | - |
| Restaurant, Fast Food | 34-1353 | P |
| Restaurants (34-622(c)(43)): | | |
| Groups I and III | | P |
| Group II | | P |
| Group IV | | P |
| Retail and Wholesale Sales, when clearly incidental and subordinate to a permitted principal use on the same premises | | P |
| Rooming House | Note (28) | - |
| Salvage and Disposal of Materials, including auto junkyards, refuse disposal and processing plants, incinerators, landfills and similar uses | | - |
| Sanitary Landfill | Note (5) | - |
| Schools: | | |
| Commercial (34-622(c)(45)) | 34-2381 | P |
| Non Commercial | Note (28), 34-2381 | P |
| Self-Service Fuel Pumps | Note (24) | P |
| Shredding and Composting of Vegetative Matter | 34-1831 et seq. | - |
| Signs in Accordance with Chapter 30 and 33 | Note (1) | P |
| Social Services (34-622(c)(46)): | | |
| Group I | | P |
| Group II | | P |
| Group III | Note (28) & (47) | - |
| Group IV | Note (28) & (47) | P |
| Specialty Retail Shops (34-622(c)(47)): | | |
| Group I | | P |
| Group II | | P |
| Group III | | P |
| Group IV | | P |
| Stable: | | |
| Boarding | 34-1291 et seq. | P |
| Commercial | 34-1291 et seq. | P |
| Private | 34-1291 et seq. | P |

| | | |
|---|---|---|
| Storage: | | |
| Indoor Only | Note (1), 34-3001 et seq. | P |
| Storage, Open | Note (5), 34-3001 et seq. 34-1352 | P |
| Large-Scale Storage of noxious or hazardous materials (flammable, toxic, explosive, corrosive, etc.), including liquid petroleum, fractions and distillates thereof, and fuel gases | Note (5), 34-3001 et seq. | - |
| Studios (34-622(c)(49)) | | P |
| Tactical Training | 34-2471 | P |
| Temporary Uses | Note (1), 34-3041 et seq. | P |
| Tents, Transient Parks Only | Note (28) | P |
| Theater, Indoor or Outdoor (drive-in) | Note (32), 34-2471 et seq. | P |
| Timeshare Units | Note (28), 34-1494, 34-2020(a) | P |
| Transportation Services (34-622(c)(53)): | | |
| Group I | | P |
| Group II | | P |
| Group III | | P |
| Group IV | | P |
| Truck Stop, Trucking Terminal | | - |
| Used Merchandise Stores (34-622(c)(54)): | | |
| Group I | | P |
| Groups II, III and IV | | P |
| Variety Store | | P |
| Vehicle and Equipment Dealers (34-622(c)(55)): | | |
| Groups I, II and III | 34-1352 | P |
| Group IV | 34-1352 | - |
| Group V | 34-1352 | - |
| Warehouse: | | |
| High Cube | | - |
| Mini-Warehouse | | - |
| Private | | - |
| Public | | - |
| Cold Storage Only | | - |
| Wholesale Establishments (34-622(c)(56)): | | |
| Groups I, III and IV | | - |
| Group II | | - |
| Wrecking Yard: | | - |
| Auto | | - |
| Other | | - |

Notes:

(1) If use or structure is customarily accessory to an approved permitted use it does not need to be shown on the master concept plan.

(2) Permitted only when accessory to a lawfully permitted single-family dwelling unit.

(3) If not shown on the master concept plan, but included in the approved list of enumerated uses, this use may be approved administratively, at the Director's discretion, or as a planned development amendment after approval of the master concept plan.
(4) Subject to limitations for commercial uses set forth in section 34-937.
(5) If the use or activity does not conform to the criteria set-forth in section 34-938, then it is subject to the setback requirements set forth in sections 34-935(b)(4) and 34-2441 et seq.
(6) Limited to non-transient parks only.
(7) Uses anticipated include boat rentals (inflatables, sailboats, jet skis, windsurfers and the like) food stands, rental of cabanas and beach furniture, outdoor amusements including balloonist, seaplane rides, ski tows and similar activities, fishing and sightseeing piers and towers.
(8) Permitted as an accessory use when designed and intended primarily for use by people staying at the recreational vehicle development.
(9) Permitted only when accessory to an airport or other transportation facility, hotel or motel, or an office complex of 50,000 or more square feet.
(10) Permitted only in conjunction with at least 50,000 square feet or more of commercial or industrial uses.
(11) Not permitted within 500 feet of nearest residence.
(12) Automobile auctions, on-site or internet, are permitted only when all vehicles are stored inside. Projects with outdoor storage will be considered vehicle and equipment dealers, group I, and must comply with section 34-1352.
(13) Reserved.
(14) Park-trailers permitted in non-transient parks only.
(15) Limited to recreational vehicles, trailers, boats, and other vehicles and goods belonging to park residents.
(16) Limited to airplane fuels or other approved fuel storage terminals.
(17) Limited to recreational vehicles only.
(18) Reserved.
(19) Only when clearly subordinate to a cemetery located on the same premises.
(20) Recreational vehicle sites in mobile home planned developments (MHPD) must be designated on the approved master concept plan. All recreational vehicles approved as part of a MHPD are subject to the regulations in sections 34-762 through 34-766 and 34-1179.
(21) In RPDs, MHPDs and residential areas MPDs, a special exception is required.
(22) Wireless communication facilities must be listed on the approved schedule of uses for the planned development; however, approval of a specific facility must be in accordance with section 34-1441, et seq.
(23) Real estate sales offices in residential areas are limited to sales of lots, homes or units within the development, except as may be permitted in section 34-1951 et seq. The location of, and approval for, the real estate sales office will be valid for a period of time not exceeding five years from the date the certificate of occupancy for the sales office is issued. The Director may grant one two-year extension at the same location.
(24) Two pumps are permissible as an accessory use to businesses to provide fuel for their own fleet of vehicles and equipment. Additional pumps require approval of a special exception.
(25) Reserved.
(26) In the MPD district, use is limited to industrial areas only.
(27) Limited to eight self-service fuel pumps (df) unless a greater number is specifically approved as part of the planned development and depicted on the master concept plan. An existing business with more than eight lawfully permitted pumps as of January 31, 1998 will not be considered non-conforming. Existing pumps may be modernized, replaced, or relocated on the same premises but additional new pumps will not be permitted.
(28) Not permitted in Airport Noise Zone B.
(29) Not permitted in Airport Noise Zone B. See section 34-1004 for exceptions.
(30) Reserved.

(31)Not permitted in Airport Noise Zone B unless accessory to a lawful mobile home or single-family residence. See section 34-1004.

(32)Indoor theater only in Airport Noise Zone B.

(33)Not permitted in Airport Noise Zone B.

(34)Not permitted in Airport Noise Zone unless required to support a noise compatible use and constructed in compliance with limitations for dwelling unit type set forth in section 34-1006(b)(2) as applicable.

(35)Not permitted in Airport Noise Zone B unless pre-empted by state law.

(36)Sound attenuating insulation should be considered for hotels and motels in Airport Noises Zone B.

(37)In the Industrial Development land use category, offices and office complexes are only permitted when specifically related to adjoining industrial use(s). Prior to issuance of any local development order, the developer must record covenants and restrictions for the property that limit any office uses to those that are specifically related to adjoining industrial uses consistent with Policy 1.1.7 of the Lee County Comprehensive Plan.

(38)Reserved.

(39)Wireless communication facilities required by the Federal Aviation Administration and Florida Department of Transportation may be administratively approved, if it is a necessary safety component related to the physical aviation activity.

(40)Reserved.

(41)Limited to four pumps, unless a greater number is approved as part of a planned development.

(42)In an existing planned development, the Director has the discretion to require removal of excess spoil to be reviewed through the public hearing process.

(43) And- See sections 34-3107 and 34-3108.

(44)The rights applicable to mining excavations approved prior to September 1, 2008, are set forth in section12-121.

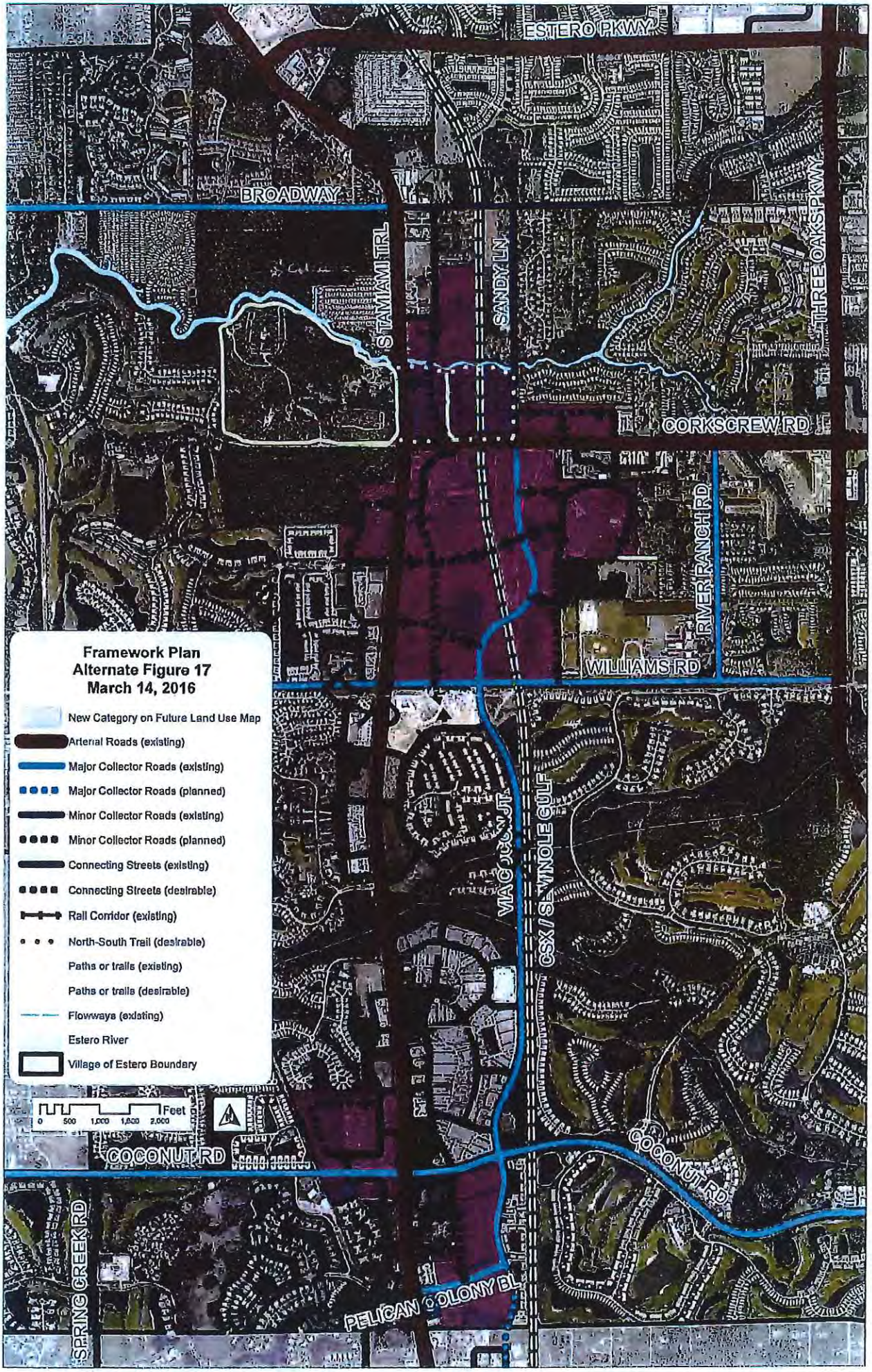
(45)All new or expanded essential services group II uses must be approved as a planned development.

(46)Permitted only as part of an AOPD approval for Page Field General Aviation Airport. Use must be included in Lee Plan Table 5(b) and be located within the non-aviation development area as depicted on Lee Plan Map 3G.

(47)Not permitted in Coastal High Hazard areas unless in compliance with section 2-485(b)(5)a.

(48)Land uses in the Compact PD district are governed by chapter 32.

(49)See section 34-3152.


ESTERO PKWY
BROADWAY
STAMIAMI TRL
SANDY LN
THREE OAKS PKWY
CORKSCREW RD
RIVER RANCH RD
WILLIAMS RD
VIA COCONUT PT
CSX / SEMINOLE GULF
COCONUT RD
COCONUT RD
SPRING CREEK RD
PELICAN COLONY BL
Framework Plan
Alternate Figure 17
March 14, 2016
New Category on Future Land Use Map
Arterial Roads (existing)
Major Collector Roads (existing)
Major Collector Roads (planned)
Minor Collector Roads (existing)
Minor Collector Roads (planned)
Connecting Streets (existing)
Connecting Streets (desirable)
Rail Corridor (existing)
North-South Trail (desirable)
Paths or trails (existing)
Paths or trails (desirable)
Flowways (existing)
Estero River
Village of Estero Boundary
0 500 1,000 1,500 2,000 Feet

# ATTACHMENT Q

## Applicant Submitted Materials

RECEIVED
OCT 01 2014
COMMUNITY DEVELOPMENT

DCI 2014-00023

# Request Statement and Compliance Narrative

*34-373(a)(5) A single narrative explaining the nature of the request and how the property qualifies for the rezoning to a planned development. This narrative should include how the proposed development complies with the Lee Plan and the Land Development Code. This narrative may be utilized by the Board of County Commissioners, Hearing Examiner and staff in establishing a factual basis for the granting or denial of the rezoning.*

## Request Statement

A minor PD rezoning of ±18.53 acres of land from AG-2 and CF-2 to MPD to accommodate mixed use development including a maximum of 297 dwelling units on 16.5 acres and 30,000 square feet of commercial on 2.03 acres. The project is subject to a concurrent Comprehensive Plan Amendment to change the Future Land Use designation to a place-based Category of "Via Coconut Urban Place" allowing a maximum density of eighteen (18) units per acre and 30,000 square feet of commercial intensity.

## Lee Plan Compliance Narrative

Objective 2.1 of the Lee Plan provides for contiguous and compact development location to contain urban sprawl, minimize energy costs, conserve land, water and natural resources, minimize the cost of services, and prevent development patterns where large tracts of land are by-passed in favor of development more distant from services and existing communities. The subject site is within the designated Future Urban Area of the Future Land Use Map and is situated in the Estero Community where a concentration of residential and commercial development exists. The proposed mixed of uses to include commercial and multifamily housing will spur activity and provide living accommodations in a developing area, which helps minimize travel distances, cost of services and natural resource impacts that are associated with sprawl.

Objective 2.2 of the Lee Plan provides for new growth to locate where adequate public facilities exist or are assured and where compact and contiguous development patterns can be created. Policy 2.2.1 states that rezonings will be evaluated as to the availability and proximity of the road network; central sewer and water lines; community facilities and services such as schools, EMS, fire and police protection, and other public facilities; compatibility with surrounding land uses; and any other relevant facts affecting the public health, safety, and welfare. The following aspects of the project are provided to address Objective 2.2 and Policy 2.2.1:

- The proposed project will not place an undue burden on the existing or planned infrastructure in the surrounding area. Urban services are available in the vicinity. The surrounding road network has adequate capacity for the expected trip generation

created by the project as demonstrated in the Traffic Analysis accompanying this request.

- Community facilities available and adequate to serve the project exist within proximity, including: Pinewoods Elementary School, Bonita Springs Charter Middle School, Estero High School, Estero Community Park, Estero Fire Rescue and EMS Emergency Services Station, and South County Regional Library.
- Central sewer and water lines are available to serve the site. A water and wastewater analysis is provided with this application, and a Lee County Utilities Letter of Potable Water and Wastewater Availability is provided with this applciation.
- Emergency Medical Services, fire, and police protection are available and adequate for the site, as demonstrated by letters of availability provided with this application.
- An existing and future conditions analysis for public services, including parks recreation and open space is provided with this application. The analysis included parks, recreation and open space analysis, which demonstrated adequate facilities are available for the anticipated development.
- Public transportation is available as the site is within the 0.5 mile service area of LeeTran Route 240 and within the 0.75 mile service area for Paratransit Service.
- The proposed Via Coconut Urban Place Future Land Use Category is compatible with the surrounding properties. Existing and permitted uses in the vicinity include commercial, single family and multifamily residential, and community facilities. The Estero Council of Community Leaders envision a Town Center consisting of a similar mix of uses in this location.

The subject site is located within the Mixed Use Overlay as established by Objective 4.2. The request is consistent with this objective and supporting policies in that it provides a mix of multifamily residential and commercial uses. The request is also compliant with Policy 4.2.1 in that it will incorporate internal trip capture and reduced travel distance to nearby shopping and work destinations located in the Estero community.

Goal 5 of the Lee Plan is to provide sufficient land in appropriate locations to accommodate the projected population of Lee County in the year 2030 in attractive and safe neighborhoods with a variety of price ranges and housing types. The proposed Via Coconut MPD fulfills this goal in that the proposed multifamily density allows for housing types that are in high demand with limited availability in the Estero area. The Estero Community Market Assessment (Market Assessment) commissioned by Estero Council Community Leaders and prepared by Richard F. Hunt of Peloton Research Partners found that the Estero market has a limited amount of land available for multifamily housing. The Market Assessment also provides that multifamily housing is an important housing choice for accommodating the workforce and new residents.

The proposed project will help to fill this void, thereby supporting the area's growing workforce and helping to attract new residents to the area and sustain the existing and anticipated commercial uses in Estero. Employment opportunities are also in close proximity, including the Hertz Headquarters located within 0.5 miles, which is within a reasonable distance to reach conveniently by car, bicycle or foot.

Policy 5.1.3 states that high-density residential development should be directed to locations that are near employment and shopping centers; are close to parks and schools; and are accessible to mass transit and bicycle facilities. The subject site is well situated to meet all these locational criteria in that:

- The site is within 0.5 miles of the Hertz employment center and 2 miles of the future Lee Memorial Health System medical center along Via Coconut Point and Coconut Road
- The site is within 1 mile of the Coconut Point Mall regional shopping center
- The site is across Via Coconut Point from the Estero Community Park and within 2 miles of Estero High School
- The site is served by sidewalks along its frontage and is within 0.5 miles of mass transit services and 0.75 miles of the paratransit service area
- Bicycle facilities are provided along the site's frontage with bike lanes along Via Coconut Point

Policy 6.1.2 of the Lee Plan provides that commercial development is to be located so that minor commercial uses are established on or near an intersection of collector and arterial or arterial and arterial roads on two acres or less with less than 30,000 square feet, provided that when developed as part of a mixed use planned development, and meeting the use limitations, modified setback standards, signage limitation and landscaping provisions, retail uses may deviate from the locational requirements and maximum square footage limitations, subject to conformance with the Estero Community Plan as outlined in Polices 19.2.3 and 19.2.4, and through approval by the Board of County Commissioners. The Via Coconut MPD conforms to this policy in that the site is located at the intersection of an arterial and a collector. While the maximum proposed square footage of 30,000 s.f. is not *less than* 30,000 s.f., deviation from the maximum square footage limitation is allowable because the commercial development will contain commercial uses that are subject to conformance with Policies 19.2.3 and 19.2.4 of the Estero Community Plan.

Policy 6.1.7 states that commercial development is prohibited in locations that open new areas to premature, scattered or strip development; and that commercial development is permitted as infill on small parcels in areas where existing commercial development would make a residential use clearly unreasonable. The subject site is configured in a way that limits the type

of development that may occur on the narrowest portion of the site which extends southward from the intersection of Corkscrew Road and Via Coconut Point. The property immediately west of this narrow portion along Corkscrew Road is currently operated as a commercial establishment for plant sales. Therefore, the request is consistent with Policy 6.1.7 in that the use of this narrow portion of the site is small, and is configured in a way that renders residential use clearly unreasonable.

Goal 11 of the Lee Plan is to ensure that appropriate water, sewer, traffic, and environmental review standards are considered in reviewing rezoning applications and are met prior to issuance of a county development order. The availability of service from Lee County Utilities addresses that water and sewer services are adequate for the site. Environmental review has been conducted in the course of this application and no probability of environmentally sensitive areas is identified due to the nature of the site as currently cleared and used for agricultural operations.

The subject site is within the Estero Planning Community and is subject to Goal 19 and supporting objectives and policies (as updated by Ordinance 14-16), described further below.

The application is compliant with Objective 19.1 and supporting policies which are related to the character and quality of life of Estero Community. The Via Coconut MPD executes the establishment of higher density mixed use development within areas targeted on the Mixed Use Overlay per Policy 19.1.1.c. Policy 19.1.2 is addressed in that Estero community review has been and will continue to be conducted in the course of this rezoning application process. The request is consistent with Policy 19.1.3 in that the request accommodates new development and promotes urban integrated forms of development in targeted areas identified on the Mixed Use Overlay. The request is also consistent with this policy as it seeks to encourage residential development at higher density within an urban designated area.

The request is consistent with Objective 19.2 and supporting policies in that it promotes Estero's quality of life and diverse local economy by allowing development of mixed-use centers and targeted economic areas, as a preference over the development of strip commercial centers. Policy 19.2.1 elaborates on the walkable, mixed use town center concept that is envisioned in the general area of the subject site. The Via Coconut MPD generates the opportunity for commercial and residential development in the heart of the emerging center of Estero. Creating the opportunity to live in a location with walking and bicycling infrastructure that affords access to commercial services, recreational facilities (Estero Community Park), and workplaces (Hertz Headquarters) is consistent with this vision. Policy 19.2.3 provides for encouragement of economic and employment needs of the Estero Community by facilitating

mixed-use centers along Corkscrew Road and Via Coconut Point. The proposed Via Coconut Urban Place category is consistent with this policy in that is allows for mixed use development that supports the economy and housing needs associated with employment centers in the prescribed location.

Policy 19.2.5 identifies detrimental uses within Estero. The proposed Schedule of Uses contains minor commercial uses within the Via Coconut MPD that are consistent with this Policy.

Policy 19.2.7 of the Estero Community Plan encourages commercial developments within the Estero Planning Community 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. Subject to agreement with the adjoining commercial property owner to the west, the Via Coconut MPD would allow an interconnect opportunity with the proposed commercial area within Via Coconut MPD. The Master Concept Plan provides for internal connections of commercial and residential areas with shared access ways.

Objective 19.3 and supporting policies seek the development of diverse, well-designed, well-connected residential neighborhoods, and a variety of housing types and neighborhood development forms. The proposed residential density will allow for multifamily housing types along the Via Coconut corridor where overlay design standards apply to result in a urban scale neighborhood in proximity to commercial uses, workplaces, shopping, and recreational facilities, which is consistent with this Objective and supporting policies.

The applicant provided an informal presentation to the Estero Community Planning Panel at their meeting July 21, 2014. The Panel was receptive to the project, especially as it relates to the Estero Community Market Assessment (Market Assessment) recently commissioned by Estero Council Community Leaders and prepared by Richard F. Hunt of Peloton Research Partners. The Market Assessment found that the Estero market has a limited amount of land available for multi-family housing (p. 15). The Market Assessment also provides that multi-family housing is an important housing choice for accommodating the workforce and new residents (p. 15). The proposed project will help to fill this void, thereby supporting the area's growing workforce and helping to attract new residents to the area and sustain the existing and anticipated commercial uses in Estero. Employment opportunities are also in close proximity, including the Hertz Global Headquarters under construction within a quarter mile of the site, which affords convenient car, bicycle, or pedestrian access.

The application is consistent with Objective 19.4 and supporting Policy 19.4.3 seeking to facilitate an integrated transportation and mobility system in that interconnection is provided for within the Via Coconut MPD, to include pedestrian ways, cross walks and traffic calming mechanisms.

The application is consistent with Objective 19.6 and supporting Policy 19.6.3 which promotes Estero Community Park as a hub for the entire community, and Policy 19.6.4 which encourages the use of park areas to link neighborhoods, commercial and mixed use centers. The proposed Via Coconut MPD introduces a mix of residents and commercial activity in close, walkable proximity to Estero Community Park.

Consistent with Policy 19.7.3, a meeting was conducted on July 21, 2014 in which the applicant preliminarily presented the proposed comprehensive plan application (Meeting Minutes are provided accompanying this application). The applicant will continue coordination with the Estero Community Planning Panel in compliance with Policy 19.7.3.

Lee Plan Goal 39, and policies 39.1.4 and 39.1.6 refer to appropriate locations for higher density multifamily developments to be where the project's traffic will not travel through less intense areas such as single family areas. Higher density uses are also to be directed where transit corridors are available. The subject site is consistent with these policies.

Existing and Future Conditions Analysis submitted with the Comprehensive Plan Amendment application associated with this rezoning demonstrate that stormwater management system will be consistent with Objective 61.3 and supporting policies related to Surface Water Management Standards.

The proposed multifamily density is consistent with Housing Policy 135.1.9 which calls for a mix of residential types and designs by providing for a wide variety of allowable housing densities and types within the County, in that the Via Coconut MPD contributes to a mix of housing densities and types in the community.

Policy 135.9.7 states that the county will coordinate residential development within urban areas to coincide with existing or planned and programmed services and facilities so as to avoid premature or non-contiguous urbanization. The application is consistent with Policy 135.9.7 in that the proposed residential development is in an urban area targeted for a concentration of people, services, and activity within Estero.

The proposed amendment is consistent with the Economic Element of the Lee Plan, specifically Policy 158.1.9, which states that Lee County will encourage a mix of housing types by maintaining mixed land uses categories in the Future Land Use Element. The proposed Via Coconut Urban Place future land use category associated with this rezoning request is a mixed land use category, allowing for the envisioned mix of housing types in Estero that is internally connected to commercial uses as provided for within the MPD.

June 1 2016

# Schedule of Deviations & Justifications

Deviation (1) seeks relief from LDC Section 34-2020 which specifies that all uses are required to provide off-street parking, and LDC Section 34-2013(a) which specifies that parking must be provided designed to permit vehicles to enter the street right-of-way or easement in a forward motion to allow on-street angled parking around the central oval.

**Justification:** On-street parking is a feature of the central oval area, contributing to the urban character of this node that centralizes the site and serves as a focal point for the community at large. The roadway around the oval is designed to carry one-way traffic in one 18-foot wide lane (required for 60-degree angled parking per Land Development Code §34-216). The parking spaces are 60-degree angled spaces.

The traffic calming characteristic of the oval's geometry will slow traffic. The one-way, one-lane system reduces the complexity for drivers compared to a two-way street. On-street parking is an urban concept that makes for convenient public access to buildings and contributes to traffic calming because drivers must be observant of the parking movements, unlike moving through a thoroughfare with no on-street parking. On-street parking also improves the pedestrian quality of this central node, because the cars parked in the angled spaces serve as a buffer between the travelway and the pedestrians walking along the building fronts.

To maintain the pedestrian comfort and safety of the street, the design and posted speed limit will be 25 miles per hour, or less. The visibility triangle criteria of LDC Section 34-3131 will be maintained.

Per Code of Ordinances Section 24-30(b), angled parking may be permitted on streets and/or roadways provided that a proper and documented traffic engineering study is performed. An engineering study will be provided at time of development order permitting to determine final geometry, dimensions, signage and marking in coordination with Village staff.

The on-street spaces, in conjunction with the proposed speed limit of 25 miles per hour or less, sidewalks, specialty pavement treatments, and landscaping contribute to the Planned Development and help to accomplish the purpose of creating a quality public realm in Estero's Village Center area. The design enhances the achievement of the objectives of the Planned Development to provide a pedestrian scale street system serving the public with vehicular access through the site. This will further the Village objective of an east-west connector aligned with the Estero Community Park entrance on the east side of Via Coconut Point, should the Village obtain rights and construct a crossing across the railroad tracks. An engineering study will be provided at time of development order to determine final geometry, dimensions, signage and marking in coordination with Village staff to assure that matters of health, safety and welfare are addressed.

Deviation (2) seeks relief from Section 10-416(d)(6) which requires a solid wall or combination berm and solid wall not less than eight feet height to be constructed not less than 25 feet from abutting property and landscaped (between the wall and the abutting property) with a minimum five trees and 18 shrubs per 100 lineal feet; or a 30-foot wide Type F buffer with the hedge planted a minimum of 20 feet from the abutting property line where roads, drives or parking areas are located less than 125 feet from existing

single family residential lots; and from 10-416(d)(7) which requires a type C or F buffer for uses or activities that generate noise; to allow a buffer consisting Type F buffer plantings in a 15 to 20 feet wide planting area, supplemented with an 8-foot wall as depicted on the MCP where commercial areas abut three single family residences.

**Justification**: The intent of the buffering requirement of Section 10-416(d)(6) & (7) is to ensure that driveways, parking areas and service areas are out of sight and substantially separated from existing residential homes. At the same time, there are provisions in the Estero Community standards of Chapter 33 that acknowledge mixed use environments should be afforded relief from buffering to foster integration of uses to allow comingling of living, shopping, dining and working experiences. Section 33-351 provides that commercial projects that are part of mixed use developments, as defined in section 34-2, are not required to provide buffers between uses. The proposed project is a mixed planned development, and the adjoining properties to the west contain a commercial use at the corner of Happy Hollow Lane and Corkscrew Road that exists with only minimal buffering to single family homesites along the remainder of Happy Hollow Lane.

To balance the need for buffering between adjoining uses and comingling of living, shopping, dining and working experiences, a buffer of Type F buffer plantings that measures from 15 feet at the narrowest point to 20 feet wide is proposed between the service area, drives and parking areas and the three single family homesites to the west of the subject site. Given the site constraints that exist on the narrow ±150' wide portion of the subject site, this reduced buffer width will be supplemented with an 8-foot wall located 16 feet from the property line to afford the privacy and screening contemplated by the Code requirements of Section 10-416(d)(6)&(7). With Type F buffer plantings occupying a 15-foot wide planting area and a wall providing a barrier to the single family homes to the west, the intent of the Code required screening of service areas shall be met, the objectives of the planned development will be achieved, and there will be no threat to public health safety or welfare.

Deviation (3) seeks relief from Section 34-2020(a) which requires a minimum of 2 parking spaces per multifamily unit to allow parking to be calculated at 1.5 spaces per one-bedroom multifamily unit, for up to a maximum of 160 one-bedroom units.

**Justification**: The Code provisions for multifamily parking were changed in 2012 by Ordinance 12-20 to increase parking requirements from a graduated scale of 1.25 spaces per efficiency unit, 1.5 spaces per one bedroom unit, 1.75 spaces per two bedroom unit, and 2 spaces per 3 or more bedroom unit to a standard of 2 spaces per unit (plus guest parking calculated at 10% of total required parking).

The applicant proposes a mix of approximately 160 one bedroom units, and 137 multi-bedroom units. Prior code provisions would have required 479 spaces, and the current code requires a total of 654 spaces. The applicant acknowledges the Code amendment addresses a need for accommodating two vehicles (plus guest parking provision) for each multi-bedroom unit, which are more likely to house at least two people, however, the one bedroom units are not as likely to house two people and will therefore generate less parking demand than the multi-bedroom units.

## Schedule of Deviations & Justifications

The correlation between the number of bedrooms and peak parking demand is documented in the ITE Parking Generation, 4th Edition (attached) which states that in suburban study sites for low/midrise apartments: "Study sites with an average of less than 1.5 bedrooms per dwelling unit in the apartment complex reported peak parking demand at 92 percent of the average peak parking demand for all study sites for all study sites with bedroom data. Study sites with less than 2.0 but greater or equal to 1.5 bedrooms per dwelling unit reported peak parking demand at 98 percent of the average. Study sites with an average of 2.0 or greater bedrooms reported peak parking demand at 13 percent greater than the average."

According to ITE, the average size of dwelling units at suburban study sites was 1.7 bedrooms and the average parking supply ratio was 0.9 parking spaces per bedroom which works out to an average of 1.53 spaces provided per dwelling unit. The average peak period parking demand for 21 study sites with an average of 311 total dwelling units was 1.23 vehicles per dwelling unit. These numbers indicate that the deviation to allow parking for one bedroom units to be calculated at 1.5 spaces per unit as required under the pre-2012 Code is more consistent with typical vehicle usage than the 2.0 spaces required for one bedroom units under the current code. The calculation is proposed as follows:

160 units of 1-bedrooms @ 1.5 spaces = 240 spaces
137 units of 2- and 3-bedrooms @ 2 spaces = 274 spaces + 27.4 guest spaces
Total = 565.4 parking spaces, rounded up to 566 spaces

With this deviation, the total required spaces onsite for multifamily units calculates to 566 spaces, which is adequate. This number of spaces is 18% more than the Code requirements effective in 2012, and 13% fewer than the current Code.

The provision of 1.5 spaces for 1-bedroom units helps achieve the objectives of the Planned Development in that the amount of parking is accurately calibrated to the proposed unit types in the context of this specific neighborhood. With over half of the proposed units being one-bedroom units, this helps reduce the parking demand compared to a unit mix with majority of larger units that can house more residents and guests and generate need for more parking. The context of the site is appropriate for fewer parking spaces than a conventional development in that the location affords greater ability to travel by alternatives to the car. In addition to the nature of the MPD containing interconnected residential and commercial uses, the location of the proposed neighborhood is connected with bike lanes and sidewalks to a transit stop within ½ mile on US 41 and to a multitude of workplaces and shopping of the Coconut Point DRI/MPD within 1 mile. Recreation facilities are across Via Coconut at Estero Community Park. A potential future connection is provided to the large development parcel to the west known as North Point DRI. Thus, the need for multiple vehicles for every one-bedroom unit is likely to be less than in other locations where there are not mobility options and not a multitude of destinations nearby.

The provision of 1.5 spaces plus guest parking for 1-bedroom units helps achieve the objectives of the Planned Development in that the proposed neighborhood character, walkability, attractiveness and open space is improved when the amount of parking is appropriate and not proliferating the neighborhood landscape.

Parking spaces and parking areas will be designed per Code standards to ensure the deviation is no threat to public safety.

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## Decision Making Compliance

**LEE COUNTY LAND DEVELOPMENT CODE, Section 34-145(d)(3)**

a. The applicant has proved entitlement to the rezoning or special exception by demonstrating compliance with the Lee Plan, this land development code, and any other applicable code or regulation.

**The applicant has demonstrated compliance with the Land Development Code (LDC), and all other governing regulations, as demonstrated in the application, attached Design Standards Compliance, and the proposed Master Concept Plan, with deviations requested as warranted for unique conditions. The applicant's Lee Plan Compliance statement is provided as part of this application package.**

b. The request, including the use of TDR or affordable housing bonus density units, is consistent with the densities, intensities and general uses set forth in the Lee Plan.

**The density for the subject site is proposed at 18 units per acre and is consistent with the concurrent CPA Application.**

c. The request is compatible with existing or planned uses in the surrounding area.

**The subject site is located at the southwest corner of Corkscrew Road and Via Coconut Point. The majority of sites surrounding the subject site are zoned MPD or CPD and represent a diverse mix of retail, office, and residential proposed and existing uses. The addition of 297 units of multifamily residential and 30,000 square feet of commercial retail will not place an undue burden on surrounding properties or facilities as indicated by the attached Traffic Impact Statement and urban services letters of availability.**

d. Approval of the request will not place an undue burden upon existing transportation or planned infrastructure facilities and will be served by streets with the capacity to carry traffic generated by the development.

**Due to its location on the corner of Corkscrew Road and Via Coconut Point, the subject site has multi-modal access to many major employment centers of Estero including the new Hertz corporate headquarters and Coconut Point mall, as well as convenient access to US41, Three Oaks Parkway, and I75. The subject site is located within ½ mile of LeeTran Route 240 which runs north to south along US41. The Traffic Study provided with this application demonstrates capacity is available on the transportation network to accommodate the proposed development.**

e. Where applicable, the request will not adversely affect environmentally critical areas and natural resources.

**The request will not affect environmentally critical areas or natural resources. The subject property is currently comprised of disturbed land that is utilized for active agriculture and no wetlands exist onsite as depicted on the FLUCFCS map submitted with this application.**

f. In the case of a planned development rezoning or mine excavation planned development, the decision of the hearing examiner must also be supported by the formal findings required by sections 34-377(a)(2) and (4).

**The considerations of Sections 34-377(a)(2) and (4) are provided below, with responses where appropriate in *bold italics*.**

Section 34-377(a)(2) reads as follows:
The recommendation made to the Board of County Commissioners must be supported by formal findings that address the guidelines set forth in section 34-145(d)(3) of this chapter.
***Guidelines of Section 34-145(d)(3) have been addressed above.***

Section 34-377(a)(2) continues as follows:
In addition, the findings must address whether the following criteria can be satisfied:

a. The proposed use or mix of uses is appropriate at the subject location;

***The proposed development is subject to a Comprehensive Plan Amendment to create a new Via Coconut Urban Place future land use category allowing a maximum of 18 units per acre and 30,000 square feet of commercial. Many adjacent properties are zoned as Planned Developments rendering the proposed MPD compatible within the surrounding context, including Estero on the River MPD, Kristen Woods RPD/CPD, Galleria at Corkscrew CPD, North Point MPD DRI, South Estero Commercial Center CPD, Corkscrew Village Shopping Center CPD, and Coconut Point MPD DRI.***

b. The recommended conditions to the concept plan and other applicable regulations provide sufficient safeguards to the public interest.

***Public safety and needs are addressed through compliance with LDC standards.***

c. The recommended conditions are reasonably related to the impacts on the public's interest created by or expected from the proposed development.

***The request will positively impact the public interest by providing multifamily housing in a rapidly growing community. The proposed project will not place an undue burden on the existing or planned infrastructure in the surrounding area. Urban services are available in the vicinity, discussed further below. No negative impacts to the public interest are anticipated to be created by the request.***

Section 34-377(a)(4) reads as follows:
If the application includes a schedule of deviations pursuant to section 34-412, the hearing examiner's recommendation must approve, approve with modification or reject each requested deviation based upon a finding that each item:

a. Enhances the achievement of the objectives of the planned development; and
b. Preserves and promotes the general intent of this chapter to protect the public health, safety and welfare.

If the hearing examiner concludes that the application omits necessary deviations, he or she may include those omitted deviations in his recommendation without an additional hearing.
***Detailed descriptions and justification for the deviations demonstrating compliance with the standards of 34-377(a)(4)a. and b. are provided in the Schedule of Deviations & Justifications accompanying this application***

g. Where the change proposed is within a future urban area category, the hearing examiner must also find that urban services, as defined in the Lee Plan, are, or will be, available and adequate to serve the proposed land use.

**Policy 2.2.1 of the Lee Plan states that rezonings will be evaluated as to the availability and proximity of the road network; central sewer and water lines; community facilities and services such as schools, EMS, fire and police protection, and other public facilities. The following aspects of the project are provided to address availability and adequacy of urban services:**

- **The subject site is located with access to an available and proximate road network, which is evaluated and found to be adequate to accommodate the proposed development in the TIS accompanying this application.**
- **Central sewer and water lines are available to serve the site, and a Letter of Potable Water and Wastewater Availability dated August 1, 2014 has been provided by Lee County Utilities.**
- **A letter dated August 8, 2014 determining the adequacy of school facilities for the subject property was issued by The School District of Lee County, indicating the level of service is adequate to accommodate school children of the proposed 297-unit multifamily development.**
- **Emergency Medical Services, fire, and police protection are available and adequate for the site. Letters of service availability have been provided in conjunction with the Comprehensive Plan Amendment application associated with this application indicating services are available and adequate from Lee County EMS dated August 15, 2014, Estero Fire District dated August 7, 2014, and Lee County Sheriff's Office dated August 12, 2014.**
- **An existing and future conditions analysis for public services, including parks recreation and open space was provided with the Comprehensive Plan Amendment application associated with this MPD Amendment. The analysis included parks, recreation and open space analysis, which demonstrated adequate facilities are available for the anticipated development.**
- **The subject site falls within ½ mile of LeeTran Route 240 and falls under the ¾-mile service area for Paratransit Service.**
-

h. If the rezoning is to Compact PD, the decision of the Board of County Commissioners must be supported by the formal finding regarding the provisions set forth in section 32-504(a).

**Not applicable.**

i. The level of access and traffic flow (i.e. median openings, turning movements etc.) is sufficient to support the proposed development intensity.

**The Traffic Study provided with this application demonstrates access and capacity is available on the transportation network to accommodate the proposed development.**

j. The request meets the criteria and standards set forth in chapter 12 for approval of a mine excavation planned development.

**Not applicable.**

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# Design Standards Compliance

This narrative statement provides an explanation as to how the proposed Via Coconut MPD will comply with the design standards set forth in the Lee County Land Development Code. Each specific section, as applicable, will be discussed separately below.

**LEE COUNTY LAND DEVELOPMENT CODE, SECTION 34-411:**

(a) All planned developments shall be consistent with the provisions of the Lee Plan.
**The Via Coconut MPD is consistent with the provisions of the Lee Plan as demonstrated in the Request Statement and Lee Plan Compliance Narrative included in this application package.**

(b) All planned developments must be designed and constructed in accordance with the provisions of all applicable County development regulations in force at that time. Deviations from the general provisions of this chapter, as well as from any separate land development regulation or code, may be permitted if requested as part of the application for a planned development in accordance with section 34-373(a)(9) and approved by the Board of County Commissioners based on the findings established in section 34-377(b)(4).
**The Master Concept Plan accompanying this application depicts the planned future development of the subject property in compliance with governing county development regulations, with deviations requested and justifications provided to address unique circumstances of the project.**

(c) The tract or parcel proposed for development under this article must be located so as to minimize the negative effects of the resulting land uses on surrounding properties and the public interest generally, and must be of such size, configuration and dimension as to adequately accommodate the proposed structures, all required open space, including private recreational facilities and parkland, bikeways, pedestrian ways, buffers, parking, access, on-site utilities, including wet or dry runoff retention, and reservations of environmentally sensitive land or water.
**The subject parcel will not create negative effects on surrounding properties or the public interest. The request meets or exceeds all applicable Lee County Land Development Code (LDC) regulations related to open space, bikeways, pedestrian ways, buffers, on-site utilities, water retention, and environmental requirements as demonstrated on the Master Concept Plan and supporting exhibits.**



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**All buildings will be subject to and meet LDC regulations for size, configuration, dimension, and density. The proposed parking is adequate as depicted on the Master Concept Plan and as explained in the Schedule of Deviations and Justifications.**

**Three access points are provided to adequately serve the site as depicted on the Master Concept Plan.**

**The subject property is currently comprised of disturbed land that is utilized for active agriculture and no wetlands exist onsite as depicted on the FLUCFCS map submitted with this application.**

(d) The tract or parcel shall have access to existing or proposed roads:

(1) In accordance with chapter 10 and as specified in the Lee Plan traffic circulation element or the official trafficways map of the county;

**A detailed Traffic Impact Statement (TIS) has been provided as part of the application. Three access points to Via Coconut Point are provided to adequately serve the site as depicted on the Master Concept Plan. The existing sidewalks along Via Coconut Point and Corkscrew Road provide connection to nearby commercial uses and workplaces, as well as connect the Subject Parcel to Route 240 of the LeeTran transit system.**

(2) That have either sufficient existing capacity or the potential for expanded capacity to accommodate both the traffic generated by the proposed land use and that traffic expected from the background (through traffic plus that generated by surrounding land uses) at a level of service D or better on an annual average basis and level of service E or better during the peak season, except where higher levels of service on specific roads have been established in the Lee Plan;

**The Traffic Study provided with this application demonstrates capacity is available on the transportation network to accommodate the proposed development.**

(3) That provides ingress and egress without requiring site-related industrial traffic to move through predominantly residential areas.

**No industrial traffic is anticipated to impact or be created by this request.**

(e) If within the Lee Tran public transit service area, the development shall be designed to facilitate the use of the transit system.

**The subject site falls within ½ -mile of LeeTran Route 240 and falls under the ¾-mile service area for Paratransit Service. The existing sidewalks along Via Coconut Point and Corkscrew Road provide connection to nearby commercial uses and workplaces, as well as connect the Subject Parcel to Route 240 of the LeeTran transit system.**

(f) Development and subsequent use of the planned development shall not create or increase hazards to persons or property, whether on or off the site, by increasing the probability or degree of flood, erosion or other danger, nor shall it impose a nuisance on surrounding land uses or the public's interest generally through emissions of noise, glare, dust, odor, air or water pollutants.

**The request will not create or increase public hazard related to flood or erosion. On-site stormwater detention will be provided as per Lee County Land Development Code (LDC) and South Florida Water Management District regulations as depicted on the Master Concept Plan. The request is not anticipated to generate noise, glare, dust, odor, air or water pollutants that would adversely impact adjacent properties.**

(g) Every effort shall be made in the planning, design and execution of a planned development to protect, preserve or to not unnecessarily destroy or alter natural, historic or archaeological features of the site, particularly mature native trees and other threatened or endangered native vegetation. Alteration of the vegetation or topography that unnecessarily disrupts the surface water or groundwater hydrology, increases erosion of the land, or destroys significant wildlife habitat is prohibited. That habitat is significant that is critical for the survival of rare, threatened or endangered species of flora or fauna.

**The request will not affect environmentally critical areas or natural resources. The subject property is currently comprised of disturbed land that is utilized for active agriculture. No wetlands exist onsite as depicted on the FLUCFCS map submitted with this application.**

(h) A fundamental principle of planned development design is the creative use of the open space requirement to produce an architecturally integrated human environment. This shall be coordinated with the achievement of other goals, e.g., the preservation or conservation of environmentally sensitive land and waters or archaeological sites.

**Open space is provided on-site and design of open space areas along Via Coconut Point frontage will be consistent with Overlay Code requirements to produce a walkable, well-integrated human environment. The subject site does not include environmentally sensitive areas or natural resources.**

(i) Site planning and design shall minimize any negative impacts of the planned development on surrounding land and land uses.

**The subject site is located within the Estero Planning Community and is subject to stricter site design standards than other locations within the county, with consideration that mixed use environments are desirable and residential and commercial uses do not necessarily need to be segregated. Adequate landscape buffering is proposed to minimize impacts to existing adjoining residential homesites. No negative impacts of the proposed development on the subject site are anticipated.**

(j) Where a proposed planned development is surrounded by existing development or land use with which it is compatible and of an equivalent intensity of use, the design emphasis shall be on the integration of this development with the existing development, in a manner consistent with current regulation.

**The site is surrounded by a small commercial site, single family residential homes, a rail corridor, and undeveloped and community facility property across Via Coconut. The current conditions are not conducive to integration with equivalent intensities of use. The envisioned condition for this area by the Estero Community leaders is a "Town Center" area where concentration of activity and density is proposed as a major node for the community of Estero. The proposed MPD fulfills the vision for the future of this area as a mixed use planned development on the subject site, while compatibility with surrounding existing properties is addressed through adequate setbacks and buffering.**

(k) Where the proposed planned development is surrounded by existing development or land use with which it is not compatible or which is of a significant higher or lower intensity of use (plus or minus ten percent of the gross floor area per acre if a commercial or industrial land use, or plus or minus 20 percent of the residential density), or is surrounded by undeveloped land or water, the design emphasis will be to separate and mutually protect the planned development and its environs.

**The site is adjoined by a small commercial site, single family residential homes, a rail corridor, and undeveloped and community facility property across Via Coconut. The current conditions are not conducive to integration with equivalent intensities of use. The envisioned condition for this area by the Estero Community leaders is a "Town Center" area where concentration of activity and density is proposed as a major node for the community of Estero. Provisions of Section 33-351 of the Estero Planning Community standards include consideration that mixed use environments are desirable and residential and commercial uses do not necessarily need to be segregated. The proposed MPD fulfills the vision for the future of this area as a mixed use planned development on the subject site, while compatibility with surrounding existing properties is addressed through adequate setbacks and buffering.**

(l) In large residential or commercial planned developments, the site planner is encouraged to create subunits, neighborhoods or internal communities which promote pedestrian activity and community interaction.

**The subject site is designed with a residential "subunit" or neighborhood, with residential buildings oriented to one another and to the frontage line along Via Coconut Point; and a commercial "subunit." The proposed internal accessways connect the subunits to each other as well as to the public street and to surrounding commercial uses and transit facilities in the vicinity.**

(m) In order to enhance the viability and value of the resulting development, the designer shall ensure the internal buffering and separation of potentially conflicting uses within the planned development.

**The subject site is within the Estero Planning Community and is subject to buffers as set forth in the Lee County Land Development Code (LDC) Section 33-351 Landscaping Buffers, and these are depicted on the MCP. No potentially conflicting uses are anticipated to be created within the planned development.**

(n) Density or type of use, height and bulk of buildings and other parameters of intensity should vary systematically throughout the planned development. This is intended to permit the location of intense or obnoxious uses away from incompatible land uses at the planned development's perimeter, or, conversely, to permit the concentration of intensity where it is desirable, e.g., on a major road frontage or at an intersection.

**The subject site is within the Estero Planning Community and is subject to design standards as set forth in the Lee County Land Development Code (LDC) Chapter 33. No incompatible conditions are anticipated. Buildings will comply with maximum building heights of 3 stories and 45 feet. In view of the public realm, buildings featuring human scale elements will be oriented toward Via Coconut Point and Corkscrew Road, consistent with the Corkscrew Road and Sandy Lane Corridor Overlay District provisions of Chapter 33.**

(o) Unless otherwise provided for in this article, minimum parking and loading requirements shall be as set forth in article VII, divisions 25 and 26, of this chapter. Where it can be reasonably anticipated that specified land uses are generators of occasional peak demand for parking space, a portion of the required parking may be pervious or semi-pervious surfaces subject to the condition that it be constructed and maintained so as to prevent erosion of soil. In all cases, however, sufficient parking shall be provided to prevent the spilling over of parking demand onto adjacent properties or rights-of-way at times of peak demand.

**The proposed parking, loading and service areas are adequate as depicted on the Master Concept Plan and described in the Schedule of Deviations and Justifications.**

(p) Joint use of parking by various land uses within the planned development may be permitted by special condition where it can be demonstrated or required that the demand for parking by the various uses will not conflict. Joint parking agreements between uses within and uses without the planned development shall be governed by agreement per general regulation (see section 34-2018), without exception.

**Joint use parking is not proposed at this time.**

(q) Internal consistency through sign control, architectural controls, uniform planting schedules and other similar controls is encouraged.

**The subject site is located within the Estero Planning Community and is subject to stricter design standards than other locations within the county. A narrative explaining compliance with these standards is included in this document.**

**LEE COUNTY LAND DEVELOPMENT CODE**

**CHAPTER 33, ARTICLE II. ESTERO PLANNING COMMUNTY**

**DIVISION 2. Design Standards**

Subdivision I. Basic Elements

*Section 33-111. Water Management.*

(a) Closed drainage is encouraged for storm water management systems along arterial and collector streets. If swales are utilized, sidewalks must be located on the development side of the swale, and pedestrian and bicycle connections must be provided at intersections and entryways into the development.

**The stormwater management system will comply with this standard. The frontage along artieral and collector streets is subject to the Corkscrew Road and Sandy Lane Corridor Overlay District provisions of Chapter 33, with corner buildings oriented to the intersection and buildings oriented to the street along the Via Coconut Point frontage line.**

(b) The shape of stormwater ponds must be designed to appear natural by having a meandering shoreline. Stormwater pond configurations that are generally rectangular or triangular in shape are prohibited.

**Stormwater pond configuration is depicted with meandering edges on the Master Concept Plan.**

(c) Wet and dry detention areas must comply with section 33-117

**There are no water management areas exceeding 20,000 square feet in cumulative area located adjacent to a public right-of-way, therefore Section 33-117 is not applicable.**

(d) All dry detention basins must be planted with wetland type plant species (such as Spartina) in minimum one-gallon containers not more than 36 inches on center throughout the extent of the basin.

**Wetland type plant species will be planted within all dry detention areas in compliance with 33-111(d).**

*Section 33-112. Utilities.*

All utility lines must be located underground except when located within a public street or road right-of-way.

**Utility lines within the project will be located underground.**

*Section 33-113. Places of public interest/open space.*

(a) Places of public interest/open space are intended to provide for areas of public interest within commercial developments and must be provided where possible. These areas must be equipped with amenities such as seating areas, structures that provide shade, drinking fountains and other amenities.

(b) Umbrellas and open shopping carts are encouraged within these areas to stimulate informal activities. Open-air restaurants and cafes are encouraged.

(c) Landscaping elements such as plantings, fencing, and changes of paving material are encouraged to demarcate change in function of a public area and adjacent street. Where necessary, traffic calming devices must be applied to slow down traffic. (Refer to Figure 2)

**The commercial portion of the Via Coconut MPD is subject to the Sandy Lane and Corkscrew Road Corridor Overlay District, which requires that buildings provide areas for streetfront cafes, outdoor dining, and other related informal activities. While these activities are dependent upon the actual tenant of each commercial unit, space has been provided for shaded outdoor dining options in order to encourage these activities. Landscaping elements will be used in order to separate these public activity areas from the adjacent street.**

*Section 33-114. Parking.*

(a) Developments must follow these general requirements:

(1) Parking areas must be designed to minimize hard landscaped areas, visually and physically, with vegetation, fountains, seating areas or other features.

(2) Parking areas must be well configured with pedestrian links, buffers and visually pleasing landscaped areas.

**Hardscaping will be minimized through the use of planted buffer areas and terminal landscape islands. Parking areas will be connected to the buildings through a sidewalk system that is designed for pedestrian linkage throughout the development.**

(b) Parking lots must be located in accordance with section 34-2192

**Parking areas will comply with the setback requirement of 75' from Corkscrew Road.**

*Subsection 33-114 (c) is not applicable.*

(d) Parking area configurations must promote interconnections between adjacent project parcels. (This should be accomplished by providing an interconnected vehicular circulation route to the rear of properties fronting onto Corkscrew Road and Sandy Lane.)

**Parking areas within the MPD are connected by a shared access drive which provides an interconnected vehicular circulation route to the rear of the property, allowing for buildings to front onto Corkscrew Road and Sandy Lane (Via Coconut Point).**

*Subsection 33-114 (e) is not applicable.*

(f) A minimum ten-foot wide terminal island is required at the end of all parking rows.

**The required terminal islands shall be provided, subject to development order review and permitting.**

*Sec. 33-115. Services areas.*

Service areas, including loading docks, trash receptacles, mechanical equipment, outdoor storage areas and utility vaults must be located in areas where traffic impacts are minimized, and public visibility is diminished, and in areas that are accessible and functional. Smaller trash receptacles must be decorated or screened and placed in visible locations.

**Service areas as depicted on the Master Concept Plan are placed to be accessible and functional and will be screened.**

*33-116. Lighting.*

(These requirements are in addition to the requirements of **section 10-610**(b)).

*Compliance with section 10-610(b) is demonstrated below.*

(b) *Lighting standards.* All outdoor lighting must comply with section 34-625, Outdoor lighting standards.

**This standard shall be met at time of development order permitting.**

(a) Provide pedestrian level lighting of building entryways.

**This standard shall be met at time of development order permitting.**

(b) Lighting must be given a distinct architectural theme that complements the building's exterior. Light fixtures must complement the overall building development.

**This standard shall be met at time of development order permitting.**

(c) Provide lighting throughout all parking areas utilizing decorative light poles/fixtures. Other than pedestrian light fixtures, all other outdoor light fixtures must be fully shielded. Lighting must be directed to avoid intrusion on adjacent properties and away from adjacent thoroughfares.

**This standard shall be met at time of development order permitting.**

(d) Lighting plans must be coordinated with landscape plans to identify and eliminate potential conflicts.

**This standard shall be met at time of development order permitting.**

(e) Buildings, awnings, roofs, windows, doors and other elements may not be designed to be outlined with light. Exposed neon and backlit awnings are prohibited. Temporary seasonal lighting during the month of December is excluded from this requirement.

**This standard shall be met.**

*Sec. 33-117. Natural and manmade bodies of water*

Bodies of water, including wet and dry detention areas, exceeding 20,000 square feet in cumulative area and located adjacent to a public right-of-way are considered park area and an attractor for pedestrian activity. These areas must incorporate into the overall design of the project at least two of the following items:

(1) A five-foot wide walkway with trees an average of 50 feet on center; shaded benches a minimum of six feet in length located on average every 150 feet; or

(2) A public access pier with covered structure and seating; or

(3) An intermittent shaded plaza/courtyard, a minimum of 200 square feet in area with benches and/or picnic tables adjacent to the water body; and/or

(4) A permanent fountain structure.

**There are no water management areas exceeding 20,000 square feet in cumulative area located adjacent to a public right-of-way, therefore Section 33-117 is not applicable.**

*Sec. 33-118. Interconnections and shared access*

(a) Interconnects. Adjacent commercial uses must provide interconnections for automobile, bicycle and pedestrian traffic. All adjacent parking lots must connect. Interconnects between parking lots are not intended to satisfy the criteria for site location standards outlined in Policy 6.1.2(5) of the Lee Plan.

**Commercial uses and parking areas within the MPD will be interconnected for vehicle, bicycle and pedestrian traffic.**

(b) Inter-parcel vehicle access points between contiguous commercial tracts must be provided. Properties that have frontage or other means of access to a side street parallel or perpendicular to US 41, Corkscrew Road, or Sandy Lane must connect to the side street.

**Commercial uses and parking areas within the MPD will be interconnected for vehicle, bicycle and pedestrian traffic. Connection to the adjoining commercial property at the corner of Corkscrew Road and Happy Hollow Lane that is to the west of the subject site will be pursued and provided with agreement of the adjoining owner. Connection to the terminal end of Happy Hollow Lane is not proposed at this time because Happy Hollow Lane is a low volume, single family residential street in substandard condition. The impacts of traffic that would be generated by vehicle trips associated with the proposed development would be adverse to the existing conditions of this dead end residential street.**

(c) Use of shared accessways is encouraged.

**Shared access ways will interconnect the residential and commercial uses within the MPD.**

Subdivision II. Architectural

*Sec. 33-227. Architectural style.*

The preferred architectural style in the Estero Planning Community is Mediterranean, with Old Florida where appropriate, and other styles of architecture that are deemed compatible with these styles. Distinct vernacular styles must be displayed through the inclusion of extended roof overhangs, porches, decorative columns, covered corridors, covered walkways, and pitch roofs (where applicable). Buildings of less than 5,000 square feet of gross floor area must be designed with roofs having a minimum pitch of 30 degrees. (Refer to Figure 3).

**Details of the compliance with architecture style shall be provided at time of development order permitting.**

*Sec. 33-228. Compliment surrounding development.*

In addition to the requirements of section 10-620, all proposed commercial, industrial, public and mixed use buildings must blend with and complement existing architectural features of adjacent structures constructed under these standards.

**The request will comply with the requirement that all commercial buildings must blend with and complement surrounding architectural features. Details of the compliance with architecture style shall be provided at time of development order permitting.**

*Sec. 33-229. Maximum height.*

Buildings outside of the Interstate Highway Interchange Areas are limited to a maximum of three stories or 45 feet, whichever is less, in height. 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. (Refer to Figure 4.)

**The property development regulations accompanying this application are consistent with the standard building heights of three stories or 45 feet.**

*Sec. 33-330. Facade treatment.*

In addition to the requirements of section 10-620(c), projects must use architectural relief, articulation or landscaping on building facades to reduce the bulk of buildings with facades longer than 75 feet that are visible from the street. Buildings must be designed to be visually appealing from all directions. Buildings that are visible from more than one right-of-way, or an exit ramp must use facade treatments on all viewable facades. Methods for providing architectural relief of blank facades must include one or more of the following:

(1) Recessed or clearly defined entryways;
(2) Varying rooflines, pitches and shapes;
(3) Dormers, balconies, porches and staircases;
(4) Transparent window or door areas or display windows that provide visibility into the building interior. No reflective or darkly tinted glass may be used on ground level;
(5) Overhangs, awnings and marquees;
(6) Building ornamentation and varying building materials, colors, decorative tiles, edifice detail such as trellises, false windows or recessed panels reminiscent of window, door or colonnade openings and wall murals;
(7) Shrubs or vines trained to grow upright on wire or trellises next to blank walls;
(8) Architectural features such as cornices, articulated roof parapets, porticos, towers or other details that alter the building height;
(9) Application of a contrasting base that is a minimum one-foot high and extends along the entire front of the building and at least ten feet along the sides of the building.

**Details of the compliance with architecture style shall be provided at time of development order permitting.**

*Sec. 33-331. Window treatment.*

Place display windows at the street level around the exterior of commercial buildings and provide windowsills and ledges. Windows must not appear to be false and applied.

**Details associated with compliance with window treatment requirements shall be provided at time of development order permitting.**

*Sec. 33-332. Awnings.*

(a) If an awning is over a public sidewalk, it must project from the surface of the building at a minimum height of eight feet. No awnings may be placed in or over any public right-of-way.

(b) The design, materials and color of the awnings must complement the architecture of the building and not obscure its features.

(c) Awnings must be consistent with the visual scale of the building.

(d) Awnings must be placed at the top of openings. The awning shape must correspond with the shape at the top of the opening. Flat canopies are discouraged except in circumstances where it is accompanied by a valance. (Refer to Figure 5).

(e) Materials must be of high quality, durable and weather resistant. Plastic or shiny materials are prohibited.

**Details associated with compliance with awning requirements shall be provided at time of development order permitting.**

*Sec. 33-333. Columns.*

Aesthetic details may be created using columns/pillars. (Refer to Figure 6).

(a) The colors for commercial structures must be neutral, warm earth tones or subdued pastels. Where applicable, commercial buildings may use brightly colored trims, cornices, or columns that may be reinforced to create a special effect or setting. However, these contrasts must create a harmonious impact, complementing the principal structure as well as existing surrounding building structures.

(b) Brighter colors can be utilized to create focal points of interest in locations including on doors, windows and architectural details. Buildings should not exceed three colors on one architectural detail in composite. Contrasting accent colors of any wall, awning or other feature must be limited to no more than ten percent of the total area for any single facade.

**Details associated with compliance with column requirements shall be provided at time of development order permitting.**

*Sec. 33-335. Landscaping/window boxes.*

In addition to building perimeter plantings required by section 10-416(b), buildings may incorporate live plant material growing immediately on the building, by providing window boxes, planter boxes or hanging flowers.

**Details associated with compliance with landscaping/window box requirements shall be provided at time of development order permitting.**

*Sec. 33-336. Multi-tenant buildings.*

For multi-tenant buildings, roof parapets must be varied in depth and height. Roof parapets must be articulated to provide visual diversity. Parapets must include architectural relief or features at least every 75 feet. The minimum height of the architectural features must be one foot, and may be provided in height offset or facade projections such as porticoes or towers.

**Details associated with articulation of multi-tenant buildings shall be provided at time of development order permitting.**

*Sec. 33-337. Out parcels.*

Exterior facades of out-parcel buildings must be treated as primary facades and must employ architectural, site, and landscaping design elements that are common to the theme used in the main development on site, including colors and materials associated with the main building. The purpose of this requirement is to assure a unified architectural theme and site planning between out-parcels and the main buildings on site, enhance visual impact of the buildings and to provide for safe and convenient vehicular and pedestrian access and movement on site.

**Details associated with exterior facades of out-parcel buildings shall be addressed if applicable at time of development order permitting.**

*Sec. 33-338 which governs requirements for infill development is not applicable.*

Subdivision III. Landscaping

*Sec. 33-351. Landscaping buffers.*

**The Master Concept Plan submitted with this application depicts that the applicable buffer requirements of Section 33-351 are met or exceeded for the subject site, with additional explanation provided in the Schedule of Deviations and Justifications. Required buffer plants shall be 100 percent native.**

*Sec. 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 its 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 the 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.

**Detailed planting plans in compliance with the plant material standards will be processed at time of development order permitting.**

(b) Palms used to meet the required tree count for buffers may 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 tree requirements if they do not constitute more than 50 percent of the required tree count.

**Detailed planting plans in compliance with the plant material standards will be processed at time of development order permitting.**

(c) Soldiering of cabbage palms in buffers is prohibited.
**Detailed planting plans in compliance with this standard will be processed at time of development order permitting.**

*Sec. 33-353. Landscape design.*

(a) Developments must provide separation between pedestrian and vehicular movement by using plantings as space defining elements.
**Detailed plans for planting areas in compliance with this standard will be processed at time of development order permitting.**

(b) Developments must utilize both hardscape and landscape features as space defining elements (Refer to Figure 8), including, where possible:
(1) Distinctive paving or painting to define the appropriate location for pedestrian and vehicular traffic;
(2) Plantings such as street trees, hedges and screening;
(3) Replicating landscaping patterns and materials to visually unify a development and creating focal points through design diversification where possible;
(4) Plant materials must be suited to the climate and, at their mature, natural size, be suitable for their planting location; and
(5) Selecting trees for parking lots and sidewalk areas that do not interfere with the visibility and movement of vehicles or pedestrians, or cause pavement or other hard surfaces to heave. Material selection must be designed to survive the effects of building or large paved areas (in terms of heat, shade, wind, etc.)
**Detailed plans for planting areas in compliance with this standard will be processed at time of development order permitting.**

(c) All required trees must be a minimum 45 gallon container, 12-foot to 14-foot planted height, six-foot spread and 32-inch caliper, or field grown equivalent, at the time of planting.
**This standard shall be met at time of development order permitting and shall be subject to inspection and certification.**

(d) Not more than ten percent of the required internal landscape area, as related to the vehicular use area identified in section 10-416, may be planted in sod.
**Sod will not comprise more than ten percent of the internal landscape area in compliance with Section 33-353(d), to be demonstrated at time of development order permitting.**

*Sec. 33-354. Tree preservation.*

*In an effort to preserve expansive open spaces and native vegetative communities:*

(1) Development must be clustered to reserve large areas of open space;
**Native vegetative communities do not exist on the subject site.**

(2) Existing native vegetation must be preserved whenever possible; and
**The request will not affect environmentally critical areas or natural resources. The subject property is currently utilized for active agriculture. Any sabal palms 8' CT or greater to be preserved or relocated onsite.**

(3) Infrastructure design must integrate existing trees and the natural character of the land to the greatest extent possible.

**The request will not affect environmentally critical areas or natural resources. The subject property is currently utilized for active agriculture.**

Subdivision IV. Transportation

*Sec. 33-361. Transit facilitation.*

Convenient access to public transportation, ride-share and passenger drop off areas must be provided. The following examples are design techniques that may be used to meet this requirement:

(1) Accommodate public transportation vehicles on the road network that services the development.

**LeeTran Route 240, located within ½ mile of the subject site, currently runs along US41, and is accessible by existing pedestrian facilities providing a continuous path along Via Coconut, Williams Road, Corkscrew Road and US 41. Transit routes do not run along Via Coconut Point or the portion of Corkscrew Road that directly serves the subject site.**

(2) Provide passenger loading/unloading facilities.

**Passenger loading and unloading facilities for public transportation vehicles are not anticipated on the subject site.**

(3) For streets adjacent to a development, provide sidewalks and other pedestrian facilities such as bus shelters.

**Sidewalks exist along adjacent streets, and proposed buildings will be oriented to the sidewalk in order to facilitate pedestrian activity. No bus shelters are proposed as there are no transit routes adjacent to the site.**

(4) Provide a convenient and safe access between building entrances and a transit or bus area, such as walkways or painted pedestrian crosswalks.

**Sidewalks exist along adjacent streets, and proposed buildings will be oriented to the sidewalk and safe access will be provided in order to facilitate pedestrian activity. No bus shelters are proposed as there are no transit routes adjacent to the site.**

*Sec. 33-362. Pedestrian walkways/linkages.*

The following requirements are in addition to the requirements of section 10-610(d):

(1) Pedestrian walkways must be provided for each public vehicular entrance to a project, excluding ingress and egress points intended primarily for service, delivery or employee vehicles.

**Pedestrian walkways will be provided along the frontage lines of the property to connect to adjacent rights-of-way.**

(2) In order to accentuate and highlight pedestrian areas, wherever possible, materials must include specialty pavers, concrete, colored concrete or stamped concrete patterns.

**Concrete pedestrian walkways are anticipated. Final material selection will be determined at time of development order permitting.**

(3) Pedestrian walkways/links must be incorporated into, within and through a project in a way that addresses both site security concerns and pedestrian safety. The following are examples of design techniques that should be applied:

a. Incorporate cross-site pedestrian connections within projects.

**Commercial uses and residential areas within the MPD will be interconnected for vehicle, bicycle and pedestrian traffic.**

b. Define walkways with vertical plantings, such as trees or shrubs. Pedestrian walkways may be incorporated within a required landscape perimeter buffer, in compliance with section 10-416(d)(4), Note 11.

**Detailed plans for plantings along walkways in compliance with this standard will be processed at time of development order permitting.**

(4) Sidewalks or pedestrian ways must connect the on-site pedestrian systems to pedestrian systems on adjacent developments.

**Pedestrian walkways will be provided along the frontage lines of the property to connect to adjacent rights-of-way. No other pedestrian systems within adjacent developments exist.**

(5) Traffic calming devices, at the discretion of the developer, must be provided at points where conflicting pedestrian and vehicular movements exist.

**A roundabout is proposed at the multifamily area main entrance. If warranted, traffic calming devices will be provided where pedestrian and vehicular movement conflict points are identified.**

(6) Sidewalks or bikeways must be installed along all project frontage roads, and whenever possible must be separated from the edge of pavement by a minimum four-foot wide planting strip. The property owner must provide for maintenance of the planting strips unless the County formally accepts responsibility for maintenance. Existing non-conforming sidewalks must be brought into compliance with this section.

**Sidewalks and bikeways already exist per County standards along the project's frontage roads, Via Coconut Point and Corkscrew Road.**

*Sec. 33-363. Bicycle racks.*

Bicycle racks are required for all retail and office developments within overlay districts.

**Bicycle racks are depicted within the commercial area on the MCP.**

*Sec. 33-364. Street furniture and public amenities.*

Developments must provide street furniture and other pedestrian amenities in their design. All accessories such as railings, trash receptacles, street furniture and bicycle racks must complement the building design and style.

**The final design of pedestrian realm landscape, hardscape and furnishings complementary to the project's architecture will be determined at time of development order permitting and subject to review by the Estero Design Review Committee.**

Subdivision V. Signs

*Sec. 33-383. Prohibited signs.*

**The applicant does not request a prohibited sign type as referenced by Section 33-383.**

*Sec. 33-384. Temporary signs.*

**The applicant recognizes that only temporary signs in accordance with Section 33-384(b)(1)a-d will be permitted.**

*Sec. 33-385. Permanent signs in commercial and industrial areas.*

(a) *Identification sign.* A nonresidential subdivision or parcel will be permitted one monument-style identification sign along any street that provides access to the property in accordance with section 30-153.

(1) Except as provided in subsection (3) below, the maximum height of any identification sign will be 17 feet.

**The applicant does not request a sign that exceeds 17 feet in height.**

(2) Lighting.

**Signage for the subject site is proposed to comply with applicable lighting standards.**

(3) Except as provided herein, monument-style identification signs must be set back a minimum of 15 feet from any street right-of-way or easement, and ten feet from any other property line. In no case will a monument-style identification sign be permitted between a collector or arterial street and a frontage road.

*Exception: Where the building is within 15 feet of the street right-of-way or road easement the sign may be placed closer than 15 feet to the right-of-way or easement provided it does not project over any right-of-way or easement, the height does not exceed seven feet, and the sign is not located within ten feet of any overhead electrical supply.*

**Signage for the subject site is proposed to comply with the above referenced locational standards.**

(4) All monument-style identification signs must display the street address of the property. Street numbers must measure between a minimum of four inches and a maximum of six inches, in height. The copy area of the street address will not be counted toward the allowable sign copy area.

**Final design of proposed signs , including street number details, will be addressed at time of development order permitting.**

(5) Copy area of a monument sign will not exceed 75 percent of the total sign structure area and a minimum 25 percent of the sign structure area must be devoted to architectural features.

**Final design of proposed signs, including sign copy area, will be addressed at time of development order permitting.**

(6) Signs identifying individual businesses must be easily read from the pedestrian level.

**Final design of proposed signs, including readability from the pedestrian level, will be addressed at time of development order permitting.**

(7) Signs must match the architectural style of the building or development.
**Final design of proposed signs, including style, will be addressed at time of development order permitting.**

(8) Wall signs are permitted in accordance with section 30-153(2)c.1. and section 30-153(3)d., with a maximum area of 300 square feet per wall per tenant. This area is to be determined by the sum of any and all signs on the tenant's wall. Wall signs will not contain advertising messages or sales item names.
**Final design of proposed signs, including wall signs, will be addressed at time of development order permitting.**

**LEE COUNTY LAND DEVELOPMENT CODE**

**CHAPTER 33, ARTICLE II. ESTERO PLANNING COMMUNITY**

**DIVISION 3. Corridor Overlay Districts**

Subdivision I. Corkscrew Road and Sandy Lane

*Sec. 33-403. Corner lots.*
In addition to the requirements of section 10-620(c)(3), the development must create visually attractive street corners using distinctive building entryways in combination with landscaping or artwork. Buildings on corner lots must be designed with a maximum setback of 25 feet from each adjacent right-of-way and must provide pedestrian access from the street intersection.
**The request will provide visually attractive street corners at project entrances and at the corner of Via Coconut Point and Corkscrew Road. The commercial use area located at the corner of Via Coconut Point and Corkscrew Road shall comply with the maximum setback of 25 feet indicated in the Property Development Regulations associated with this application.**

*Sec. 33-404. Areas of public interest.*
The development must be designed to create people-oriented spaces along the street that are visually attractive, take into consideration the human scale and proportion, and provide for pedestrian connections.
**Human scale and pedestrian orientation of buildings is afforded by the building setbacks and "street wall" provisions outlined in the Property Development Regulations accompanying this application.**

*Sec. 33-405. Street front activity.*
The development must be designed to create public spaces to allow for activity to take place along the street front, such as sidewalks and open areas.
**Human scale and pedestrian orientation of buildings is afforded by the building setbacks and "street wall" provisions outlined in the Property Development Regulations accompanying this application.**

*Sec. 33-406. Property development regulations.*

Setbacks for the Corkscrew Road and Sandy Lane Overlay Districts are shown in the following Table 1. With the exception of setbacks set forth within Table 1, the property development regulations set forth in section 34-935 will apply. Table 1 specifically modifies and supercedes the provisions set forth in Section 34-935(b)(1).

To ensure conformity and development consistent with the goals and requirements of this section, developments that were approved prior to June 25, 2002, as part of a planned development, must also comply with the setback requirements contained in Table 1 to the extent the setback requirement was not specifically addressed as part of the planned development. Specific property development regulations that were approved as part of a planned development prior to June 25, 2002, are exempt from this section.

**The Property Development Regulations submitted with this application comply with all relevant setback standards set forth in this section.**