



VILLAGE OF ESTERO ZONING STAFF REPORT

PROJECT NAME: GENOVA
CASE TYPE: PLANNED DEVELOPMENT/REZONING
CASE NUMBER: DCI 2015-00009
PLANNING & ZONING BOARD DATE: May 3, 2016; Continued to June 21, 2016
VILLAGE COUNCIL DATE: July 13, 2016 Second Reading

REQUEST AND STAFF ANALYSIS

This rezoning request was continued by the Planning and Zoning Board while the Land Development Code Amendments for the Village Center were being prepared. This was necessary because the project must comply with the new zoning district in order to be considered for approval. This revised staff report addresses compliance with the new code which was adopted by the Village Council on June 22, 2016.

This is a request to rezone approximately 16.95 acres of land at 9050 Corkscrew Road (southeast corner of Corkscrew Road and Via Coconut Point), from the Agricultural District (AG-2) and Commercial Planned Development (CPD) District to Residential Planned Development (RPD) to allow development of up to 205 residential units with associated amenities and infrastructure. Maximum building height of 45 feet/4 stories is proposed.

The applicant is also requesting to vacate two right-of-way easements on the property which will be determined by the Village Council at a separate public hearing at a later date.

This zoning case has a concurrent Comprehensive Plan amendment to change it from the Suburban category to Intensive Development in order to achieve the proposed density which is not allowed under the existing land use category of the Comprehensive Plan, or zoning.

The staff does not recommend approval of the applicant's proposed Intensive Development future land use category, but instead, would propose the Village Center category, which was endorsed by the Council on March 30th when the council voted to "transmit" the Comprehensive Plan amendments to the state for formal review. Without the appropriate future land use category designation, no zoning category could permit the proposed density. Additionally, staff does not recommend the applicant-requested Residential Planned Development Zoning District but instead recommends, consistent with the Village Center comprehensive plan, that the property be considered instead for rezoning to the EPD (Estero Planned Development) zoning category.

The Village's proposed Comprehensive Plan amendments and the Land Development Code amendments for the Village Center were both adopted at the June 22, 2016 Council public hearing. The proposed project can be considered under those rules.

APPLICATION SUMMARY

Applicant: Genova Partners, LLC c/o James Wallace, Managing Partner in reference to Genova

Request: Amend the Future Land Use Map to create a new Future Land Use category; and rezone 16.95 acres from Agricultural District (AG-2) and Commercial Planned Development (CPD) to Residential Planned Development (RPD) to allow development of up to 205 residential units with associated amenities and infrastructure. Maximum building height of 45 feet/4 stories is proposed. In addition to the rezoning of the subject property, the Applicant has requested to vacate two easements - one located through the middle of the site and the other vacation is located along the southerly property line.

Location: The subject property is located at 9050 Corkscrew Road (southeast corner of Corkscrew Road and Via Coconut Point), Estero, FL. There are numerous and varied STRAP numbers.

EXISTING LAND USE CATEGORY

Suburban (a Village-initiated change to Village Center was approved by the Council and should be effective in August)

PUBLIC INFORMATION MEETING

The public information meeting for the Comprehensive Plan Amendment and Rezoning was held at the Planning and Zoning Board on June 16, 2015.

PROJECT HISTORY

The majority of the property is zoned Agricultural. The Agricultural District, AG-2 zoning is the original zoning and there have been no zoning actions on the site except for the northeast portion of the property. The property currently is farmed and contains a farm market stand. The site consists of nine (9) STRAP numbers. Strap numbers related to the CPD zoning include, 34-46-25-E1-U1981.2358, 34-46-25-E1-0100C.0350, 34-46-25-E1-0100C.035B, 34-46-25-E1-0100C.035C, 34-46-25-E1-0100C.035D, 34-46-25-E1-0100C.035E and 34-46-25-E1-0100C.035G. The AG-2 zoned portion of the site includes STRAP numbers 34-46-25-E1-0100C.035A and 34-46-25-E1-U1991.2358.

The northeast portion of the property was rezoned from the Agricultural District, AG-2, to Commercial Planned Development, CPD zoning. The rezoning of this portion of the property was approved by the Lee County Board of County Commissioners on December 4, 2000 with the adoption of Resolution Number Z-00-055. This rezoning to CPD allowed for commercial use with a maximum of 47,800 square feet of floor area on the 4.84 acre site. The approval granted three (3) optional development intensity scenarios (retail/office, retail/medical office, or retail/ALF). The approval was subject to the conditions contained in the resolution and there were no deviations from the Land Development Code. This portion of the site is currently farmed and vacant.

There is an application for a sales office on this portion of the site. ADD2015-00047 is a pending amendment to the CPD zoning to permit the development of a real estate sales office to be developed in conjunction with the proposed residential project requested in this application. However, the applicant has leased sales office space elsewhere. This application needs to be withdrawn and the applicant has been so notified.

SURROUNDING ZONING AND LAND USE

North of the property, across Corkscrew Road is vacant property. The Village of Estero on January 20, 2016 rezoned this property to Residential Planned Development, RPD (Case

DCI2015-00013), permitting the development of an ALF/Continuing Care Facility (Volunteers of America, also known as The Colonnade) with a maximum of 340 beds.

East of the property is AG-2 zoning with a communication tower, then CPD zoning developed as Estero Park Commons. This property is predominantly developed as professional offices. Also east of the property is Community Facilities, CF zoning. This is developed as the Estero Community Park.

South of the property is also CF zoning and is part of the Estero Community Park.

West of the property, across Via Coconut Point, the property is zoned Agricultural, AG-2 and used for agricultural purposes. This property is currently seeking a Comprehensive Plan amendment and rezoning for 297 dwelling units and 30,000 square feet of commercial use on nearly 19 acres (Via Coconut Point project).

PROJECT DESCRIPTION and MASTER CONCEPT PLAN

The applicant is requesting a rezoning from Agricultural District (AG-2) and Commercial Planned Development (CPD) to Residential Planned Development (RPD). Filed in addition to this zoning application is a comprehensive plan amendment to amend the future land use designation of the property from "Suburban" to "Intensive Development". The intent of the requests is to allow for development of the site with residential use.

The Master Concept Plan proposes the development of 205 condominium units, with 6 u-shaped courtyard buildings and a one-story clubhouse. Maximum building height is 45 feet for the residential buildings with parking provided underneath the buildings. Stormwater management will be provided by an internal lake system.

The applicant proposes pedestrian connections from the project into Estero Community Park. One connection is proposed on the eastern boundary of the project, and the second connection is on the southern boundary. The staff has received verbal verification from the County staff that pedestrian gates are typically acceptable for the purpose of accessing the park.

The project has two proposed vehicular access points; one full access to Via Coconut Point and one right-out only onto Corkscrew Road.

The site plans shows a "Pocket Park" along Via Coconut Point to be used as a public sitting area and possible future bus stop. Additionally, a linear park, with locations for a sculpture and bench, is shown along the frontage of Corkscrew Road within a 25 foot Type D buffer.

Regarding connectivity, a sidewalk is provided along at least one side of the internal loop road. This sidewalk system proposes connection to the existing sidewalks along Corkscrew Road and Via Coconut Point.

Genova will provide internal sidewalks to connect to the public sidewalks currently existing along Corkscrew Road and Via Coconut Point in 5 locations.

VACATION OF RIGHT-OF-WAY EASEMENTS

In order to develop this property, the applicant is requesting to vacate two right-of-way-easements. Both easements were dedicated by means of a plat for public use. A brief description of each is below.

Corkscrew Road to Southerly Property Line

The first R.O.W./Easement is located along the southerly side of Corkscrew Road and within the northeasterly section of the property. This R.O.W./Easement is 60 feet in width and extends to a length of approximately 1300± feet.

Southerly Property Line

The second R.O.W./Easement is located and set back from the southerly property line. The width at this R.O.W./Easement varies from 25 to 30 feet and extends to a length of approximately 60 feet from the southeast corner to the southwest corner of the property.

STAFF ANALYSIS

The staff analysis section of this report includes information on various issues, such as environmental issues, transportation impacts, density and height, comprehensive plan considerations (including Estero-specific goals and policies), an analysis of Genova in relation to the Estero Planned Development zoning district, and an analysis of the applicant's requested deviations.

When the Planning and Zoning Board evaluates a zoning case, it must review these issues and provide a recommendation to Council. In order to assist, staff has provided a brief summary of the project's advantages and disadvantages below. Following this section is more information on each of these issues described above.

SUMMARY OF PROJECT ADVANTAGES AND DISADVANTAGES

Advantages:

- The applicant has committed to detailed architectural plans of "Italianate" style for the project, which greatly exceeds Estero's code.
- The applicant is offering pedestrian interconnections to the park.
- The applicant has revised the site-plan to provide "liner" buildings (smaller buildings in front of the main buildings) to break up the massing or "bulk" of the buildings and provide an opportunity for possible nonresidential use in the future.
- The applicant is proposing a "linear park" along part of the project's perimeter, and a "pocket park".
- The project will not create any concurrency impacts on roads or other services.
- There are no visible walls on the site. The development will be secured by a combination of perimeter buildings and gates.
- The project parking will be underneath the buildings so there will be no visible parking lots.

Disadvantages:

- This project will add nearly 1,200 new trips per day to the roads.
- The proposal is currently inconsistent with the Comprehensive Plan and zoning.
- There is no road interconnection to the park.

- The project, while aesthetically pleasing, is internally focused for its residents, with limited public access except along the perimeter of the site.

Environmental Issues

Lee County Environmental Sciences staff reviewed this project. The memo is attached.

In summary, staff finds the existing site is disturbed and over the years has been used for agricultural purpose. There is currently an agricultural exemption on the property.

A protected species survey conducted by the applicant revealed no protected species on the site. Also, the site does not contain indigenous open space.

The Master Concept Plan (MCP) shows that the proposed development will provide 40% open space in accordance with Land Development Code (LDC) Section 10-415. However, the applicant has also requested a deviation from this LDC Section to allow the site to provide 35% open space.

The plantings for the buffers will comply with the Village of Estero LDC Section 33-351. However, the applicant has requested the width of the buffers or setbacks to be reduced to allow the property to be designed with a more urban design. The first deviation is from requirement for a 20 foot wide buffer along Via Coconut Road, to allow a 10 foot wide buffer adjacent to buildings 3 and 5. As described, the planting requirements will still be able to be met. The second deviation is from the requirement LDC 34-1743 which requires perimeter fences be setback a minimum 7.5 feet from the right of way, to allow a setback of 3.5 feet for a portion abutting building 3.

Density, Compatibility, and Height

The applicant is requesting 205 multiple family residential units on 16.95 acres, which is a density of approximately 12.1 units per acre. This density is double the 6 unit per acre maximum for the existing Suburban land use category, but can be considered for increased density in the Village Center land use category if it contributes to a walkable mixed-use environment in the Village Center and meets specific criteria for the category when it is adopted.

Four levels or tiers of development would be permitted in the Village Center. The requested density would need to be a Tier 2 level, which could allow up to 14 units per acre. 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 greater connectivity than Tier 1. The applicant has offered items such as enhanced streetscape, linear park and bike/pedestrian interconnections to qualify as "Tier 2" but is proposing residential use only with a low level of connectivity. The specific incentive offerings and compliance with the Tier definitions will be evaluated in a further section of this report.

While the density requested by the applicant is double that allowed under the existing land use, this area appears appropriate for consideration of higher density given its location along Corkscrew Road and Via Coconut Point Road, with a communication tower, offices and a park to the east and commercial use and apartments proposed to the west across Via Coconut Point with a requested density of approximately 18 units per acre.

The height is proposed to be 45 feet or 4 stories maximum (3 stories over parking).

Transportation Issues

The site is located on the northeast corner of Via Coconut Point and Corkscrew Road. Access to the site is shown on the applicant's Master Concept Plan (MCP) via a full access connection to Via Coconut Point and a right out only access to eastbound Corkscrew Road. The full access intersection is shared with the proposed Via Coconut MPD project on the west side of Via Coconut Point. Via Coconut Point is currently a county-maintained collector road.

The application to rezone the site to allow development of up to 205 multi-family residential units will result in 1,201 new daily trips. Most of these trips will utilize Via Coconut Point to enter and exit the project with 30% of the exiting traffic using the Corkscrew Road exit.

According to the applicant's traffic study, no roadway sections in proximity to the site are expected to be significantly impacted with the addition of the subject-site traffic. Nearby sections of Corkscrew Road, Via Coconut Point, and US 41 currently operate at Level of Service "C", and when the project build-out traffic is added to these sections, all are estimated to operate at LOS "C". This is an acceptable Level of Service and no roadway link improvements are expected to be required to accommodate the proposed zoning.

The intersection of Via Coconut Point with Corkscrew Road and the Via Coconut Point site access intersections were also analyzed in the applicant's traffic study. 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. The Genova traffic study also analyzed the site access with the Via Coconut MPD with the combined project's traffic and it showed no operational issues. New turn lanes or modifications to existing 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 the proposed development.

Since virtually all of the subject project traffic will utilize Via Coconut Point, that facility should be analyzed using a worst case scenario. Village staff noted that, in the applicant's Level of Service (LOS) analysis, some of the assumptions were modest. Staff conducted an independent LOS analysis using a growth rate of 4% for Via Coconut Point (the applicant used 1.92% based on the 2007-2010 traffic levels). Staff indexed the growth factor from 2010 (the latest date counts were made) rather than from 2014 used by the applicant and assigned all of the project traffic to Via Coconut Point. The more conservative Generalized Peak Hour Directional Service Volumes were also utilized (as recommended for zoning LOS analysis). Staff calculated total Peak Hour, Peak Season, Peak Direction (100th Highest Hour) Volume which was then assigned to the Via Coconut Road link. Utilizing these assumptions, LOS analyses were developed for the project for year 2016 and for the anticipated build-out date of year 2020. The current Level of Service with the background traffic indexed as previously noted, with no project traffic added, is LOS = C. The 2016 LOS with the 100th highest hour Genova project traffic added is LOS = C. The 2020 LOS with the background traffic indexed to that date with the 100th highest hour Genova traffic added is LOS = C.

Since the Via Coconut MPD project is also currently seeking zoning approval and all of that project's traffic will impact Via Coconut Point, additional LOS analyses were conducted for year 2016 and year 2020 with the combined traffic (combined 100th highest hour volume of 139 vph [47 vph from the Genova project and 92 vph from Via Coconut MPD]). The year 2016 LOS with the combined traffic from both projects is LOS = C. The LOS for year 2020 with the combined traffic from both projects is LOS = C.

In summary, while there will be over 4,000 additional trips on the road from both projects, neither the traffic from this project nor the combined traffic from this project as well as the proposed Via Coconut MPD project will result in a technical degradation of the Level of Service on Via Coconut Point which will handle the majority of the traffic from this specific project.

It should be noted that while the Level of Service is projected to remain at “C”, this does not address operational issues such as seasonal and peak hour backups at intersections along Corkscrew Road eastbound.

Comprehensive Plan Considerations

As of the preparation of this report, the property is designated Suburban on the Comprehensive Plan. As noted previously, there is a concurrent Comprehensive Plan Amendment filed with this zoning case, seeking to change the Future Land Use category from Suburban to Intensive Development, as well as a Village-initiated Comprehensive Plan Amendment to “Village Center” which was transmitted to the state on March 30th and adopted by the Village Council on June 22, 2016. The amendment should become effective in August.

A description of the existing land use category for the property is below:

***POLICY 1.1.5:** The Suburban areas are or will be predominantly residential areas that are either on the fringe of the Central Urban or Urban Community areas or in areas where it is appropriate to protect existing or emerging residential neighborhoods. These areas provide housing near the more urban areas but do not provide the full mix of land uses typical of urban areas. The standard residential densities are the same as the Urban Community category. Higher densities, commercial development greater than neighborhood centers, and industrial land uses are not permitted. Bonus densities are not allowed. (Amended by Ordinance No. 94-30)*

This category is intended for primarily residential use with a maximum density of 6 units an acre. Under this category, the property could be developed with approximately 101 units, far less than what is requested.

The new category of Village Center is defined below:

***POLICY 1.1.12:** The Village Center Area lies near US-41 in the heart of the Village of Estero. This area includes housing, employment, shopping, recreation, and civic uses and can accommodate additional development in walkable mixed-use patterns. Uses and densities must meet the standards for the Village Center land use category as described in Objective 19.8 and the policies thereunder.*

The relevant objective and policies for the Village Center are also stated below:

***OBJECTIVE 19.8: VILLAGE CENTER.** Improve the quality of life for Estero’s residents and visitors by providing additional housing and neighborhood types and more diverse economic activity in the heart of Estero.*

***POLICY 19.8.1:** This comprehensive plan includes a Village Center category on the future land use map (also referred to as the “Village Center Area”) which encourages higher densities and intensities of housing, employment, shopping, recreation, and civic uses in a series of interconnected neighborhoods and mixed-use areas. Policy 1.1.12 allows landowners in the Village Center Area to develop within the standard density range and other requirements of the Urban Community category; however the Village of Estero encourages land to be developed or redeveloped with a greater mix of uses and higher densities when placed in walkable mixed-use*

patterns. The glossary defines ‘density’, ‘mixed-use’, ‘walkable’, and ‘mixed-use pattern’. The specific goals of the Village Center Area include creating socially vital centers supportive of business both big and small, neighborhoods and streets that are safe and attractive for walking and bicycling, the preservation of community history, and the protection of the environment, particularly along the Estero River.

As the Village of Estero approves its first Comprehensive Plan and Land Development Code, as required by law, the area comprising the Village Center Area may change to, among other things, include other land in that vicinity that meets the goals and objectives of the Estero Community Plan and furthers Objective 19.8 and the policies thereunder.

POLICY 19.8.2: The Village will create a new planned development zoning district in the Land Development Code (the “Estero Planned Development District”) to help implement these policies. This zoning district will contain tiered standards that apply to the Village Center Area and may include sub-districts which may have specific policies applying therein. Rezoning to the new Planned Development Zoning District must be sought to take advantage of the new tiered standards and densities with respect to specific development tracts. The Village’s intention is to use this new zoning district whenever increases in density and intensity are requested in the Village Center area (as such term is defined in the Land Development Code).

POLICY 19.8.3: The Land Development Code provisions that will implement the objective and policies set forth in this Objective 19.8 shall consider such reasonable guidelines as are necessary in order to foster predictable built results and higher quality public spaces by using physical form (rather than separation of uses) as the organizing principle for achieving such objectives. Such guidelines may consider designating locations where different building form standards apply, the relationship of buildings to the public space, public standards for such elements in the public space as sidewalks, 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. The Land Development Code provisions may also consider other alternative types of reasonable guidelines that may accomplish such goals in a different or complementary manner.

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

- a. Tier 1 provides a minimum network of connecting streets that will allow the public to move by car, bike, or on foot within and through development tracts.
- b. 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.
- c. Tier 3 accommodates mixed-use neighborhoods with similar attributes as Tier 2 but with higher levels of non-residential uses as well.
- d. Tier 4 allows an entire development tract to be planned as a compact community, as provided in Chapter 32.

POLICY 19.8.6: The Land Development Code will provide minimum standards for each tier and will describe public benefits that developers may offer to obtain specified density/intensity incentives in each tier.

POLICY 19.8.7: *Base and maximum residential densities will be set by the Village Council during the planned development rezoning process based on its determination of an application's compliance with this Comprehensive Plan and the specific standards and requirements for each tier. Increases in base residential densities may be allowed after consideration of incentive offers as provided in the Land Development Code. Densities cannot exceed the top of the following ranges:*

- a. *Tier 1: Base level is up to 6 dwelling units per acre of Tier 1-only land plus up to 3 additional dwelling units per acre of Tier 1-only land after consideration of accepted incentive offers, for a maximum of 9 dwelling units per acre of Tier 1-only land.*
- b. *Tier 2: Base level is up to 10 dwelling units per acre of Tier 2 land plus up to 4 dwelling units per acre of Tier 2 land after consideration of accepted incentive offers, for a maximum of 14 dwelling units per acre of Tier 2 land.*
- c. *Tier 3: Base level is up to 15 dwelling units per acre of Tier 3 land plus up to 5 dwelling units per acre of Tier 3 land after consideration of accepted incentive offers, for a maximum of 20 dwelling units per acre of Tier 3 land.*
- d. *Tier 4: Base level is up to 21 dwelling units per acre of Tier 4 land plus up to 6 dwelling units per acre of Tier 4 land after consideration of accepted incentive offers, for a maximum of 27 dwelling units per acre of Tier 4 land.*

This project must comply with the new zoning category, "Estero Planned Development", as the proposed Residential Planned Development zoning will not be consistent with the Village Center land use category. Compliance will be evaluated further in the section below, in conjunction with the Land Development Code and the applicant's incentive offerings.

Compliance with Estero Planned Development Zoning District

When property in the Village Center requests a rezoning, the zoning category is the Estero Planned Development (EPD) zoning district. There are general criteria, goals and requirements, along with a description of voluntary offerings to obtain higher densities. The district contains 4 Tiers, depending on the density requested.

Genova is requesting a density of approximately 12 units per acre, which is defined as Tier 2. Tier 2 allows a base density of up to 10 if all requirements are met, with additional density based on incentive offers, with a maximum of 14 units per acre. The Council can reduce density if significant deviations are requested or if the proposed incentive offers do not provide significant public benefits. Building height for Tier 2 could be up to 55 feet if all requirements are met. The applicant is requesting 45 feet.

Density Analysis –

Requirements for base density include the following:

- Pattern books (aka "Beauty Books")
- Street connection per Framework Map
- Underground utilities
- Visible Edges
- Variety of housing types
- Public civic spaces
- Architectural diversity and high quality development
- Surface water management (best practices)
- Lots and blocks (best practices)

Additional density for incentive offers include but are not limited to:

- Interconnectivity

- Off-site public improvements
- Enhanced site landscaping
- Enhanced street design
- Public hike/bike trails
- Gathering places
- Architectural excellence/Innovative design
- Historic preservation
- Vertical mixed-use

In evaluating the Genova proposal, staff was initially concerned that the street connection shown on the Framework Map was not provided. The applicant has subsequently requested a deviation from this code section, based on several factors, including the small size of the site, existing office development to the east which precludes a viable connection at this time, and a verbal representation from Lee County that park officials do not want a road into the park through the Genova property. This project is at the edge of the Village Center land use category; thus, there is less need for a connection at this point. Because the applicant is offering an alternative (bike access through the project, and a contribution to an alternative park access further south of Genova), staff recommends that there is sufficient justification to allow this deviation.

The applicant complies with other standards. The applicant has provided a Pattern Book with Italianate architecture of very high quality design and detail that was recently reviewed by the Design Review Board.

The applicant has provided an interesting visual edge by re-designing the project to include liner buildings to break up the massing of the structures. The liner buildings can serve as a different type of residential (or eventually nonresidential) use.

Civic spaces have been provided along the edge of the project in the form of a linear park and pocket park, along with amenities. These spaces also accentuate the visual edge treatment. Gates are discouraged in the Village Center area as they preclude connectivity. The applicant is proposing gates, but has defined them as “stealth” gates to minimize their visual impacts so they won’t detract from an attractive streetscape. The applicant has stated that no walls will be visible from the street.

With regard to incentive offers, the following is a summary of what the applicant proposes:

- Linear park along Corkscrew Road (with amenities including pavers, trellises, benches, sculptures, irrigation and landscaping)
- Pocket park on Via Coconut (with pavers, trellis, irrigation and plantings)
- Picnic areas within Estero Park (tables, irrigation, plantings)
- Median landscaping on Via Coconut Point along project frontage (jack and bore, irrigation, plantings) and maintenance
- 2 Lakeside sitting areas (sitting planters, pavers, irrigation and plantings)
- Contribution to western park entrance road (\$100,000)
- Streetscape additional trees (18 foot black olives)
- Parking under buildings

In order to evaluate the proposed density and conformance to the zoning category, staff has reviewed the code for both base requirements and incentive offerings.

With regard to the requested density, staff would recommend the requested 12.1 units per acre as appropriate in light of the combination of incentive offers and base requirements met. While the street connection is not provided, an alternative offer has been made. The applicant is providing a very high quality, detailed, architecturally excellent project that meets the intent of the urban design expected in the Village Center. Additionally, public amenities will be provided, including a linear and pocket park, park picnic areas in the Estero Community Park, median landscaping and maintenance on Via Coconut Point, and a contribution toward a western park entrance to the Estero Community Park. The offsite improvements in particular will provide important public benefits.

On balance, staff believes the proposed project at this peripheral location and with the offered incentive package is sufficiently close to complying with the Estero Planned Development provisions that it could be granted the requested density. A final determination is made by the Village Council under Section 33-518(b) of the Code. The project must also meet the general criteria outlined in Section 33-502.

Staff recommended conditions are attached to this report.

Other Estero-Specific Policies

Goal 19 of the Comprehensive Plan and related Objectives and Policies specifically address the Estero Planning Community.

The Transitional Comprehensive Plan provides that a proposed project cannot be approved that is inconsistent with the plan, **Policy 19.2.1**. At this time, the project is not consistent but possibly could be under the new Village Center category.

The proposed development is within an urban area and urban services are provided (except for bus service) or can be extended to serve this proposed development consistent with **Policy 139.5.7**.

Other Services and Issues

FEMA Floodway

The subject property is not located within a FEMA identified floodway, nor is the property identified as being within a flood zone.

Historic Resources

The property is not within the Level 2 sensitivity areas for archaeological and historic resources.

Natural Resources

The South Florida Water Management District (SFWMD) Environmental Resource Permit (ERP) has not been issued on the subject property. The proposed development surface water system will be designed to SFWMD standards and the applicant will be required to obtain an ERP in order to develop the subject property.

Transit Services

The development is not directly served by Lee County Transit. In a letter dated August 11, 2015, LeeTran staff stated that currently, the LeeTran route closest to the subject property is Route 240, which runs along US-41 from Coconut Point Mall to Bell Tower Shops. The subject property does not lie within the quarter-mile service area for fixed

routes. It is within the three-quarter mile service area for Paratransit service. The Transit Development Plan recognizes the need for services adjacent to the subject property during the 10-year planning horizon but the identified service is listed as unfunded.

Emergency Medical Services (EMS)

The closest EMS unit is located at the Estero Fire Station on Three Oaks Parkway. In a letter dated March 12, 2015, EMS staff stated that the primary ambulance for the subject property is Medic 21 and that there are two other locations within 5 miles of the subject property. All three locations are projected to meet service standards and that service availability for the proposed development is adequate at this time.

Police Services

In a letter dated May 4, 2015, Lee County Sheriff's office staff stated that the proposed development does not affect their ability to provide core services at this time.

Fire Services

In a letter dated March 11, 2015, Estero Fire Rescue staff stated that they are capable of providing fire protection and advanced life support/non-transport services for the subject property.

School District

In a letter dated March 30, 2015, School District staff stated that the School District currently has sufficient capacity to serve the estimated 19 additional school age children that would be generated by the proposed development.

Solid Waste

In a letter dated March 5, 2015, the solid waste service provider for the subject property stated that there is sufficient capacity to accommodate the proposed development.

Utility Services

In a letter dated March 11, 2015, Lee County Utilities (LCU) staff stated that the subject property is within the Future Service Areas for potable water and sanitary sewer service (Lee Plan Maps 6 and 7) and that potable water and sanitary sewer lines are in operation adjacent to the property. LCU staff stated that there is currently sufficient capacity to serve the proposed development of the subject property. Potable water service will be provided by the Pinewood Water Treatment Plant and sanitary sewer service would be provided by the Three Oaks Wastewater Treatment Plant.

Deviations

The applicant has requested several deviations from the Land Development Code. The applicant's Deviations and Justification document is found as an attachment to this report. The staff asked the applicant to provide additional justification to support the deviations. This justification was received on June 11th and is attached. The Planning and Zoning Board also reviewed the deviations at its meeting on June 21st. Comments and recommendations are found following each deviation request below.

1. Deviation from LDC Section 33-403 which requires that buildings must have a maximum setback of 25 feet from Corkscrew Road ROW, to allow a building setback of 30.7 feet.

Comments: The applicant justifies the granting of this deviation by stating the proposed additional setback will provide for a linear park. The linear park would

enhance the project from a public perspective as it would be visible from Corkscrew Road, and the setback difference is minor. Staff recommends approval.

2. Deviation from LDC Section 33-351 which requires a 20 foot Type D Buffer for Multi-Family Development adjacent to right-of-ways, to allow a 10 foot buffer along a portion of Via Coconut Road adjacent to Building 3 and 5, as shown on the Master Concept Plan. Staff recommends approval.
3. Deviation from LDC Section 10-285 which requires driveway connections on Arterial roads have a minimum separation of 660 feet, to allow a driveway separation of 350 feet for the egress onto Corkscrew Road.

Comments: Granting this deviation would allow for another means of egress in lieu of Via Coconut Road as the only access point. This would help disperse traffic. This deviation could be approved subject to it being found acceptable by Lee County DOT.

4. Deviation from LDC Section 10-329(d)(1)a. which requires:
 - a) Stormwater management lakes to be setback 25 feet from proposed local streets, to allow a setback of 0 (zero) feet for the internal local road; and
 - b) Stormwater management lakes to be setback 50 feet from collector roads to allow stormwater management lakes to be setback 25 feet from Via Coconut Point.

Comments: Information was presented at the Planning and Zoning Board meeting to support this deviation, with the condition that the applicant provide certification by a professional engineer at the time of the development order, that the proposed structures on the roadway will provide adequate traffic safety for wayward vehicles.

5. Deviation from LDC Section 10-418(3)a which states that water management lakes may have a maximum of 20% of hardened shoreline to allow:
 - a) Lake 1 to have a maximum of 35% of hardened lake shoreline.
 - b) Lake 2 to have a maximum of 35% of hardened lake shoreline.
 - c) Lake 3 to have a maximum of 35% of hardened lake shoreline.

Comments: This deviation can be approved.

6. Deviations from LDC Section 34-1748 requiring the following:
 - a. Entrance gates be located a minimum of 100 feet from the existing intersecting street, to allow the gates to be located 85± feet from the intersecting street.
 - b. The gate to be designed in such a manner to allow a minimum of five vehicles to safely pull-off the intersecting street while waiting to enter, to allow a minimum of four vehicles to safely pull-off the intersecting street while waiting to enter.
 - c. A paved turn-around, having a turning radius sufficient to accommodate a U-turn for a single unit truck vehicle per the AASHTO Green Book must be provided on the ingress side of the gate, to allow a turn-around to be provided after the gate.

Comments: This deviation should be considered for denial as also recommended by the Planning and Zoning Board. The development proposes 205 units. Four stacking spaces (in approximately 85 feet) is insufficient space for vehicles to wait behind the entrance gate before entering the project. The development has only one entry point, which is located on Via Coconut Point. This is a major north/south road

providing relief for traffic on US 41. There is the potential for vehicles waiting to enter this development to have conflicting movements with traffic on Via Coconut Point with other vehicles trying to enter or exit from this development. It must be noted here that another development is proposed across Via Coconut Point to the west. The traffic associated with the subject development and the other development (consisting of a proposed 297 dwelling units and 30,000 square feet of commercial use) should be considered together in order to determine the full impacts of development in Via Coconut Point and at this median crossing to determine the appropriateness of this deviation. It is recommended that this deviation be denied for safety reasons.

7. Deviation from LDC Section 34-2020 which requires a total of 36 parking spaces for the amenity center, to allow for a minimum of 26 parking spaces to be provided.

Comments: Information presented at the Planning and Zoning Board meeting supported approving this deviation.

8. Deviation from LDC Section 33-229 which limits building heights outside of the Interstate Highway Interchange Area to three stories or 45 feet, whichever is less, to allow:
 - a. A maximum height of 45 feet measured to the eave of the roof; and
 - b. A maximum of 4 stories, with 3 stories of residential uses over a ground floor of parking.

Comments: The Village Center allows for consideration of more density and height. This would be appropriate in this case as the applicant would prefer parking underneath in lieu of parking lots, which would provide for a more aesthetically appealing project.

9. Deviation from LDC Section 10-296(i)(2) which requires a minimum 24 foot wide pavement width for Category B roads with curb-and-gutter drainage, to allow a pavement width of 20 feet.

Comments: This deviation was recommended for approval by the Planning and Zoning Board with the condition that the applicant provide certification by a professional engineer at the time of development order that the proposed road design provides adequate traffic safety for wayward vehicles.

10. Deviation from LDC Section 34-1743 which requires perimeter fences and walls to be setback 7.5 feet from the right-of-way, to allow a setback of 3.5 feet for a portion of the perimeter railing adjacent to Building 3.

Comments: This deviation is recommended for approval based on additional information provided at the Planning and Zoning Board meeting.

11. Deviation from LDC Section 10-415 which requires a multi-family residential development to provide a minimum of 40% open space, to allow a minimum open space of 35%.

Comments: This deviation is recommended to be denied. It does not sufficiently explain the need. Although the development is intended to embrace the urban neighborhood goals, the applicant states in the submitted justification the project meets the 40% open space requirement, but further states the request for this

deviation has been made to accommodate future changes to the design of the project.

12. Deviation from LDC Section 34-935(b)(1)e which requires buildings to be setback from the perimeter of the project a minimum of one-half the height of the building, to allow a building setback of 18 feet for a small portion of the southeast corner of Building 4 which has a maximum height of 45 feet.

Comments: This deviation could be approved. There is an irregularity in the lot line in that area that makes it difficult to comply with the setback.

13. A deviation from Section 33-508(b)(2) and Figure 33-508(b) as proposed, which identifies connecting streets within an overall Framework Plan described in Division 6 to allow for private streets within the project and does not require a connecting street in consideration of the extensive incentive offerings which promote connectivity as identified below.

Applicant's justification:

- *A connecting street as shown on the Framework Plan promotes a 'through connection' to the Estero Community Park. Lee County to date has not indicated that a connection in this point is desired.*
- *The framework plan shows a key and vital connection to the park, less than 200 feet to the south of the project, making a connection through the property duplicative and providing no practical benefit to the community.*
- *The project developer has agreed to provide \$100,000 toward the design and construction of the park entry road as shown on the framework plan, a key transportation goal for the Village.*
- *The project as proposed has a minimum of 7 pedestrian connections, promoting pedestrian and bicycle connectivity.*
- *The project will allow for non-residents to travel over and through the project on foot or by bicycle as outlined in the incentive offerings.*

Requiring a 'connecting street' in this location would result in a 'road to nowhere' and force design changes to the project that would de-value the project through greatly diminished project design.

Staff does not object for the reasons outlined on Page 10 of this report.

14. A deviation from Section 10-296(d), specifically 10-296(i)(2) to allow for a minimum of 20 feet from inside edge to inside edge of curbs for internal, private access drives. Minimum ROW widths shall not apply.

Applicant's justification:

This deviation is intended to bring the project more into compliance with the goals and objectives of the Village as represented in the proposed LDC changes which show typical street cross sections that incorporate lane widths of 10'6" for two way traffic with on-street parking for connecting streets. The roads inside Genova are private and will carry significantly less traffic than a connecting street. Additionally, they will not utilize on-street parking, allowing for a slightly lesser lane width of 10'. Any recommendation to increase ROW widths in excess of what are proposed would be inconsistent with the direction provided by the Village as demonstrated in the proposed LDC Amendments.

This deviation is recommended for approval with the condition that the applicant provide certification by a professional engineer at the time of development order that the proposed design of access drives provides adequate traffic safety for wayward vehicles.

Findings and Conclusions

The following provides the basic Findings and Conclusions of the Land Development Code that the Village Council must consider for approval of a planned development rezoning. Specific findings must be made at the time of final decision-making by the Village Council.

Additionally, the approval process for rezoning's in the Estero Planned Development Zoning District requires a "Village Determination", which means that the Council shall determine whether any 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.

A determination shall be set out in writing by the Village as a part of its decision to rezone property to the Estero PD district or within such Estero PD district to a higher Tier (a "Determination").

Example findings are included below for informational purposes. These can be adjusted depending on the recommendation.

- a) The applicant qualifies for rezoning by demonstrating compliance with the Comprehensive Plan for the Village Center, the Land Development Code, and other applicable codes and regulations.
- b) The requested rezoning is consistent with the densities, intensities and general uses set forth in the Estero Comprehensive Plan.
- c) The request as conditioned, is compatible with existing or planned uses in the surrounding area.
- d) Approval of the request will increase traffic but 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.
- e) The request will not adversely affect environmentally critical area and natural resources.
- f) Urban services, as defined in the Comprehensive Plan, are, or will be, available and adequate to serve the proposed land use.
- g) The proposed use, as conditioned, is appropriate at the subject location.
- h) The recommended conditions to the Master Concept Plan and other applicable regulations provide sufficient safeguards to the public interest.
- i) The recommended conditions are reasonably related to the impacts on the public's interest created by or expected from the proposed development.

- j) The deviations recommended for approval:
 - 1) Enhance the planned development; and
 - 2) Preserve and promote the general intent of the LDC to protect the public health, safety and welfare
- k) In accordance with Section 33-518(b) of the Land Development Code, the Village has determined that the Applicant's incentive offers:
 - (1) (meet)(do not meet) the goals and objectives of the comprehensive plan.
 - (2) (meet)(do not meet) the General Criteria under Sec. 33-502, and
 - (3) (create)(do not 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.
- l) The project (meets)(does not meet) the standards for a Tier 2 density of 12.1 units per acre, based on the criteria for achieving the base density, and the Applicant's incentive offers.

ATTACHMENTS:

- A. Maps
 - Zoning
 - Future Land Use
 - Aerial
 - Map A (Resolution 2015-22)
- B. Conditions
 - Schedule of Uses
 - Property Development Regulations
- C. Master Concept Plan
- D. Easement Site Plan
- E. Village Center Comprehensive Plan Amendment Staff Report
- F. Village Center Comprehensive Plan Amendments CPA 2016-01
- G. Minutes from Estero Public Information Meeting at Planning and Zoning Board dated June 16, 2015
- H. Agricultural Affidavit
- I. Zoning Resolution Z-00-055
- J. Lee County Environmental Comments
- K. Lee County Development Services – TIS Comments
- L. School District of Lee County Comments
- M. Legal Description
- N. Land Development Code Amendments
- O. Applicant Submittals