



VILLAGE OF ESTERO
Comprehensive Plan & Zoning
STAFF REPORT

COUNCIL ADOPTION PUBLIC HEARING
AND
SECOND READING JANUARY 4, 2017

PROJECT NAME: THE REEF, PHASE II
CASE TYPE: COMPREHENSIVE PLAN TEXT AMENDMENT and
PLANNED DEVELOPMENT/REZONING

CASE NUMBER: CPA 2016-02 and
DCI 2016E-01

PLANNING & ZONING BOARD DATE: OCTOBER 11, 2016
COUNCIL FIRST READING: NOVEMBER 16, 2016

REQUEST

There are two requests for this property: a Comprehensive Plan Amendment and a rezoning from Commercial to Residential Planned Development with one deviation for an additional monument sign.

The 5.32 acre site is located at the northeast corner of the intersection of Three Oaks and Estero Parkway. The proposed development is a 60 unit multiple family student housing project. (Phase II of existing project, The Reef)

The request was scheduled at the November 16, 2016 Council meeting for consideration of the Comprehensive Plan Amendment and Rezoning. This staff report summarizes the discussions from the Council hearing on November 16th and the staff review and State and regional agency review subsequent to that hearing. The staff report from the November 16, 2016 Council meeting contains more detail on the requests and issues.

SUMMARY OF NOVEMBER 16 COUNCIL MEETING

The transmittal public hearing and first reading/public hearing for the Reef Comprehensive Plan Amendment and Rezoning was held at the Council on November 16, 2016. **The Council voted 4 to 1 (Mayor Batos and Councilmember Brown were absent) to transmit the amendment to the State for further review and to pass the first reading of the rezoning.** (Minutes attached)

The amendment was then sent to the State and other agencies for further review. Comments were received from the following agencies and are attached:

- Florida Department of Economic Opportunity
- Florida Department of Environmental Protection
- South Florida Water Management District
- Southwest Florida Regional Planning Council

The review agencies found the request not “regionally significant” and that there would not be adverse impacts to important State resources and facilities subject to the agencies review.

Since the review agencies had no comments, revisions to the Comprehensive Plan Amendment were not needed. Revisions were made by staff to the Zoning Ordinance based on Council comments made at the November 16th meeting.

The Council’s preliminary comments at the hearing on November 16th identified some issues that Council members indicated they would like further discussion on at the January 4, 2017 hearing.

Council asked for explanations of and indicated there may be further discussion on:

- Stormwater Management runoff and flooding
- Wetlands (clarified as 1.21 acres)
- Student Housing restriction – restricting the property for use as student housing

Based upon discussion at the first reading, staff has made some minor modifications to the proposed Zoning Ordinance, which include:

- A revision to condition 17 regarding shuttle bus service (remove 3 words...”by the university”)
- A proposed new condition 19 addressing student housing, ensuring that the development will be operated as student housing in the future.

STAFF RECOMMENDATION

As explained in the prior staff report, the Planning and Zoning Board and staff recommended approval of the amendment and rezoning with some modifications.

ATTACHMENTS

- A. Excerpt of Minutes of the November 16, 2016 Council Meeting
- B. Review Agency comments on Comprehensive Plan Amendment
- C. Comprehensive Plan Amendment (Ordinance 2016-15)
- D. Zoning Ordinance for the Reef (Ordinance 2016-16)
- E. Staff Report from November 16, 2016 Council Meeting (excluding attachments)

**APPROVED BY COUNCIL
DECEMBER 7, 2016**

FINAL ACTION AGENDA/MINUTES

**Village of Estero
9401 Corkscrew Palms Circle
Estero, FL 33928
Village Council Meeting
November 16, 2016 9:30 a.m.**

6. COMPREHENSIVE PLAN AMENDMENT TRANSMITTAL AND REZONING ORDINANCES FIRST READINGS AND PUBLIC HEARINGS:

(a) Comprehensive Plan Amendment Transmittal First Reading and Public Hearing

Ordinance No. 2016-15 An Ordinance of the Village Council of the Village of Estero, Florida, Approving an Amendment to the Village Transitional Comprehensive Plan to add Policy 19.3.4 Providing for the Option to Convert a Commercial Planned Development of not more than 5.5 acres within the Urban Community Future Land Use Designation and Mixed-Use Overlay to a Residential Planned Development when Combined with an Existing Adjacent Residential Planned Development under Certain Conditions for a Density not to Exceed Eight Dwelling Units Per Gross Acre across the Resulting Residential Planned Development Comprised of Both Parcels; Providing for Transmittal Pursuant to State Statute; Providing for Conflicts; Providing for Severability; and Providing for an Effective Date

Village Clerk Hall read the title of Ordinance No. 2016-15 and all audience members and staff providing testimony were sworn in. Ex parte communications were disclosed by Vice Mayor Levitan, Village Land Use Attorney Stroud, and Community Development Director Gibbs, based on meetings with the applicant and their team.

Community Development Director Gibbs provided an explanation of the request and revisions made to the staff report that went before the Planning and Zoning Board, noting that the staff report in the Council packet was the revised version.

Presentations by:

Kate English, Attorney, provided an explanation of the proposed Comprehensive Plan text amendment, which did not change the map; the zoning amendment (Ordinance 2016-16) depended upon the Comprehensive Plan amendment being successful.

Kate English provided background information related to Kathleen Berkey, AICP, in order to provide for her to be considered an expert witness. After brief discussion, Ms. Berkey was accepted as an expert witness.

Kathleen Berkey, AICP, utilizing a PowerPoint presentation, made the following statements: The proposed development is compatible with the existing or planned uses in the surrounding area. The requests are consistent with the goals, objectives, and policies of the Comprehensive Plan, as amended. The proposed development meets or exceeds the Land Development Code requirements. The proposed development will not place an undue burden on existing transportation or planned infrastructure and there will be adequate streets with sufficient capacity. The proposed mixture of uses are appropriate at this location.

Questions or Comments: Councilmembers Ribble and Errington addressed concern regarding stormwater runoff.

Joe McHarris, McHarris Planning and Design, accepted as an expert witness, stated that the site, located adjacent to student housing, was not appropriate for commercial use. He spoke to the proposed enhanced buffer along Estero Parkway, as well as the design and architecture.

Questions or Comments: Vice Mayor Levitan and Councilmember Boesch addressed concern regarding student housing facilities.

The meeting went into recess at 11:13 and reconvened at 11:20 a.m.

Joe McHarris, McHarris Planning and Design, provided detailed information related to the pattern book.

Questions or Comments: Councilmembers Errington, Wilson and Vice Mayor Levitan.

Discussion included ~~manipulating~~ revising the Comprehensive Plan language; density and wetlands; the original zoning resolution; and an inquiry regarding existing sidewalk on Estero Parkway.

Norman Trebilcock, Certified Planner and Professional Engineer, accepted as an expert witness, addressed the traffic analysis for the project.

Kate English, Attorney, addressed the Master Concept Plan from the 2002 zoning; flow ways on Parcel C; conservation easement; headwaters; and Parcel A.

Parke Lewis, Environmental Consultant, W. Dexter Bender & Associates, Inc., accepted as an expert witness, addressed the Army Corp of Engineers determination regarding wetlands; remnant farm ditches; and the Corkscrew wildlife mitigation bank.

Questions or Comments: Councilmembers Boesch, Errington, Ribble, Wilson, and Vice Mayor Levitan.

Discussion regarding wetlands concerns followed.

Jay Westendorf, Omega Consulting Group, LLC, addressed utilities, stormwater, and outfall control structures. He also responded to inquiries regarding cleaning the water that flows to the Estero River and vehicles affecting water quality.

Brief discussion followed regarding the Comprehensive Plan amendment.

Kate English spoke regarding the proposed shuttle bus service and condition #17.

Public Comment:

Jeanette Igoe, Broker, Igoe Realty, addressed flooding that ceased when Phase 1 was constructed.

Motion: Move to pass first reading and transmit amendments to the state for further review.

Motion by: Councilmember Wilson

Seconded by: Councilmember Ribble

Questions or Comments: Councilmembers Errington, Ribble, and Vice Mayor Levitan.

Discussion included concern regarding opening up for future development issues; communications from residents in the nearby residential communities that were asking for separate student housing; water management and wetlands were broader issues for Estero; configuration of the buildings were not conducive to families.

Action: Passed first reading and approved transmitting amendments to the state for further review.

Vote: (roll call; Councilmember Brown and Mayor Batos absent)

Aye: Councilmembers Ribble, Boesch, Wilson and Vice Mayor Levitan

Nay: Councilmember Errington

Abstentions:

(b) Rezoning for The Reef Phase II First Reading and Public Hearing

Ordinance No. 2016-16 An Ordinance of the Village Council of the Village of Estero, Florida, Approving a Rezoning from Commercial Planned Development to Residential Planned Development with One Deviation to Allow a 60 Unit Multiple Family Project for Property Located at Three Oaks Parkway Consisting of Approximately 5.32 Acres; Providing for Severability; and Providing an Effective Date

Village Clerk Hall read the title of Ordinance No. 2016-16. Village Land Use Counsel Stroud made a statement that the public hearing for this ordinance was covered under agenda item 6 (a).

Public Comment: None.

Motion: Move to pass first reading of Ordinance No. 2016-16.

Motion by: Councilmember Wilson

Seconded by: Councilmember Ribble

Action: Passed first reading of Ordinance No. 2016-16.

Vote: (roll call; Councilmember Brown and Mayor Batos absent)

Aye: Councilmembers Ribble, Boesch, Wilson and Vice Mayor Levitan

Nay: Councilmember Errington

Abstentions:

Rick Scott
GOVERNOR



Cissy Proctor
EXECUTIVE DIRECTOR

December 12, 2016

The Honorable Nick Batos, Mayor
Village of Estero
9401 Corkscrew Palms Circle
Estero, Florida 33928

Dear Mayor Batos:

The Department of Economic Opportunity has completed its review of the proposed comprehensive plan amendment for the Village of Estero (Amendment No. 16-2ESR), which was received on November 18, 2016. We have reviewed the proposed amendment pursuant to Sections 163.3184(2) and (3), Florida Statutes (F.S.), and identified no comments related to important state resources and facilities within the Department's authorized scope of review that will be adversely impacted by the amendment if adopted.

The Village is reminded that pursuant to Section 163.3184(3)(b), F.S., other reviewing agencies have the authority to provide comments directly to the Village. If other reviewing agencies provide comments, we recommend the Village consider appropriate changes to the amendment based on those comments. If unresolved, such reviewing agency comments could form the basis for a challenge to the amendment after adoption.

The Village should act by choosing to adopt, adopt with changes, or not adopt the proposed amendment. Also, please note that Section 163.3184(3)(c)1, F.S., provides that if the second public hearing is not held within 180 days of your receipt of agency comments, the amendment shall be deemed withdrawn unless extended by agreement with notice to the Department and any affected party that provided comment on the amendment. For your assistance, we have enclosed the procedures for adoption and transmittal of the comprehensive plan amendment.

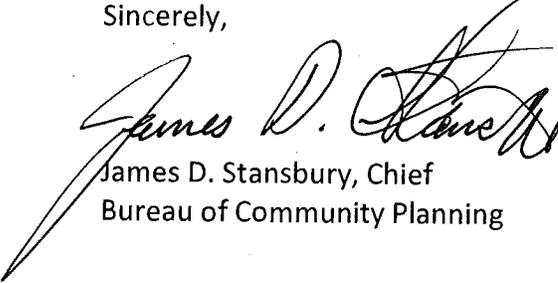


Florida Department of Economic Opportunity | Caldwell Building | 107 E. Madison Street | Tallahassee, FL 32399
850.245.7105 | www.floridajobs.org
www.twitter.com/FLDEO | www.facebook.com/FLDEO

An equal opportunity employer/program. Auxiliary aids and service are available upon request to individuals with disabilities. All voice telephone numbers on this document may be reached by persons using TTY/TTD equipment via the Florida Relay Service at 711.

If you have any questions concerning this review, please contact Scott Rogers, Planning Analyst, at (850) 717-8510, or by email at scott.rogers@deo.myflorida.com.

Sincerely,



James D. Stansbury, Chief
Bureau of Community Planning

JS/sr

Enclosure: Procedures for Adoption

cc: Mary Gibbs, Director of Community Development, Village of Estero
Margaret Wuerstle, Executive Director, Southwest Florida Regional Planning Council

SUBMITTAL OF ADOPTED COMPREHENSIVE PLAN AMENDMENTS

FOR EXPEDITED STATE REVIEW

Section 163.3184(3), Florida Statutes

NUMBER OF COPIES TO BE SUBMITTED: Please submit three complete copies of all comprehensive plan materials, of which one complete paper copy and two complete electronic copies on CD ROM in Portable Document Format (PDF) to the Department of Economic Opportunity and one copy to each entity below that provided timely comments to the local government: the appropriate Regional Planning Council; Water Management District; Department of Transportation; Department of Environmental Protection; Department of State; the appropriate county (municipal amendments only); the Florida Fish and Wildlife Conservation Commission and the Department of Agriculture and Consumer Services (county plan amendments only); and the Department of Education (amendments relating to public schools); and for certain local governments, the appropriate military installation and any other local government or governmental agency that has filed a written request.

SUBMITTAL LETTER: Please include the following information in the cover letter transmitting the adopted amendment:

_____ Department of Economic Opportunity identification number for adopted amendment package;

_____ Summary description of the adoption package, including any amendments proposed but not adopted;

_____ Identify if concurrency has been rescinded and indicate for which public facilities. (Transportation, schools, recreation and open space).

_____ Ordinance number and adoption date;

_____ Certification that the adopted amendment(s) has been submitted to all parties that provided timely comments to the local government;

_____ Name, title, address, telephone, FAX number and e-mail address of local government contact;

_____ Letter signed by the chief elected official or the person designated by the local government.

ADOPTION AMENDMENT PACKAGE: Please include the following information in the amendment package:

_____ In the case of text amendments, changes should be shown in strike-through/underline format.

_____ In the case of future land use map amendments, an adopted future land use map, **in color format**, clearly depicting the parcel, its future land use designation, and its adopted designation.

_____ A copy of any data and analyses the local government deems appropriate.

Note: If the local government is relying on previously submitted data and analysis, no additional data and analysis is required;

_____ Copy of the executed ordinance adopting the comprehensive plan amendment(s);

Suggested effective date language for the adoption ordinance for expedited review:

The effective date of this plan amendment, if the amendment is not timely challenged, shall be 31 days after the Department of Economic Opportunity notifies the local government that the plan amendment package is complete. If timely challenged, this amendment shall become effective on the date the Department of Economic Opportunity or the Administration Commission enters a final order determining this adopted amendment to be in compliance. No development orders, development permits, or land uses dependent on this amendment may be issued or commence before it has become effective. If a final order of noncompliance is issued by the Administration Commission, this amendment may nevertheless be made effective by adoption of a resolution affirming its effective status, a copy of which resolution shall be sent to the Department of Economic Opportunity.

_____ List of additional changes made in the adopted amendment that the Department of Economic Opportunity did not previously review;

_____ List of findings of the local governing body, if any, that were not included in the ordinance and which provided the basis of the adoption or determination not to adopt the proposed amendment;

_____ Statement indicating the relationship of the additional changes not previously reviewed by the Department of Economic Opportunity in response to the comment letter from the Department of Economic Opportunity.

Mary Gibbs

From: Plan_Review (Shared Mailbox) <Plan.Review@dep.state.fl.us>
Sent: Wednesday, December 14, 2016 3:10 PM
To: Mary Gibbs; DCPexternalagencycomments
Subject: Estero 16-2ESR Proposed

To: Mary Gibbs, AICP, Director

Re: Estero 16-2ESR – Expedited Review of Proposed Comprehensive Plan Amendment

*Please note the new contact information below.

The Office of Intergovernmental Programs of the Florida Department of Environmental Protection (Department) has reviewed the above-referenced amendment package under the provisions of Chapter 163, Florida Statutes. The Department conducted a detailed review that focused on potential adverse impacts to important state resources and facilities, specifically: air and water pollution; wetlands and other surface waters of the state; federal and state-owned lands and interest in lands, including state parks, greenways and trails, conservation easements; solid waste; and water and wastewater treatment.

Based on our review of the submitted amendment package, the Department has found no provision that, if adopted, would result in adverse impacts to important state resources subject to the Department's jurisdiction.

Feel free to contact me at Suzanne.e.ray@dep.state.fl.us or (850) 717-9037 for assistance or additional information. Please send all amendments, both proposed and adopted, to plan.review@dep.state.fl.us or

Florida Department of Environmental Protection
Office of Intergovernmental Programs, Plan Review
2600 Blair Stone Rd. MS 47
Tallahassee, Florida 32399-2400



Mary Gibbs

From: Oblaczynski, Deborah <doblaczy@sfwmd.gov>
Sent: Wednesday, December 14, 2016 10:13 AM
To: Mary Gibbs
Cc: Adam Antony Biblo (adam.biblo@deo.myflorida.com); Michael J Busha (mbusha@tcrpc.org); Ray Eubanks (DCPexternalagencycomments@deo.myflorida.com)
Subject: Village of Estero, DEO #16-2ESR Comments on Proposed Comprehensive Plan Amendment Package

Dear Ms. Gibbs:

The South Florida Water Management District (District) has completed its review of the proposed amendment package from Village of Estero (Village). The amendment incorporates new Policy 19.3.4 to encourage redevelopment of underutilized commercial lands. The proposed changes do not appear to adversely impact the water resources in this area; therefore, the District has no comments on the proposed amendment package.

The District offers technical assistance to the Village in developing sound, sustainable solutions to meet the Village's future water supply needs and to protect the region's water resources. Please forward a copy of the adopted amendments to the District. Please contact me if you need assistance or additional information.

Sincerely,

Deb Oblaczynski
Policy & Planning Analyst
Water Supply Implementation Unit
South Florida Water Management District
3301 Gun Club Road
West Palm Beach, FL 33406
(561) 682-2544 or doblaczy@sfwmd.gov

1400 Colonial Blvd., Suite 1
Fort Myers, FL 33907



P: 239.938.1813 | F: 239.938.1817
www.swfipc.org

December 12, 2016

Ms. Mary Gibbs, AICP
Director of Community Development
Village of Estero
9401 Corkscrew Palms Circle, Suite 101
Estero, FL 33928

RECEIVED
DEC 16 2016
VILLAGE OF ESTERO

Re: Village of Estero CPA 2016-02 / DEO 16-2ESR

Dear Ms. Gibbs:

The staff of the Southwest Florida Regional Planning Council has reviewed the proposed amendment (DEO 16-2ESR) to the Village of Estero Comprehensive Plan. The review was performed according to the requirements of the Local Government Comprehensive Planning and Land Development Regulation Act.

The Council will review the proposed amendment and the staff recommendations at its January 19, 2017 meeting. Council staff is recommending that the request be found not regionally significant. Council staff is recommending that the proposed changes are consistent with the SRPP and do not produce extra-jurisdictional impacts that are inconsistent with the Comprehensive Plans of other local governments.

A copy of the official staff report explaining the Council staff's recommendation is attached. If Council action differs from the staff recommendation, we will notify you.

Sincerely,
Southwest Florida Regional Planning Council

Margaret Wuerstle, AICP
Executive Director

MW/DEC
Attachment

Cc: Mr. Eubanks, Administrator, Plan Review and Processing, Department of Economic Development



LOCAL GOVERNMENT COMPREHENSIVE PLAN AMENDMENTS VILLAGE OF ESTERO

The Council staff has reviewed the proposed evaluation and appraisal based amendments to the Village of Estero Comprehensive Plan (DEO 16-2ESR). These amendments were developed under the Local Government Comprehensive Planning and Land Development Regulation Act. A synopsis of the requirements of the Act and Council responsibilities is provided as Attachment I. Comments are provided in Attachment II. Site location maps can be reviewed in Attachment III.

Staff review of the proposed amendments was based on whether they were likely to be of regional concern. This was determined through assessment of the following factors:

1. Location--in or near a regional resource or regional activity center, such that it impacts the regional resource or facility; on or within one mile of a county boundary; generally applied to sites of five acres or more; size alone is not necessarily a determinant of regional significance;
2. Magnitude--equal to or greater than the threshold for a Development of Regional Impact of the same type (a DRI-related amendment is considered regionally significant); and
3. Character--of a unique type or use, a use of regional significance, or a change in the local comprehensive plan that could be applied throughout the local jurisdiction; updates, editorial revisions, etc. are not regionally significant.

A summary of the results of the review follows:

<u>Proposed Amendment</u>	<u>Factors of Regional Significance</u>			
	<u>Location</u>	<u>Magnitude</u>	<u>Character</u>	<u>Consistent</u>
DEO 16-2ESR	No	No	No	(1) Not regionally significant (2) Consistent with SRPP

RECOMMENDED ACTION:

Approve staff comments. Authorize staff to forward comments to the Department of Economic Opportunity and the Village of Estero

COMMUNITY PLANNING ACT

Local Government Comprehensive Plans

The Act requires each municipal and county government to prepare a comprehensive plan that must include at least the following nine elements:

1. Future Land Use Element;
2. Traffic Circulation Element;
A local government with all or part of its jurisdiction within the urbanized area of a Metropolitan Planning Organization shall prepare and adopt a transportation element to replace the traffic circulation; mass transit; and ports, aviation, and related facilities elements. [9J-5.019(1), FAC]
3. General Sanitary Sewer, Solid Waste, Drainage, and Potable Water and Natural Groundwater Aquifer Recharge Element;
4. Conservation Element;
5. Recreation and Open Space Element;
6. Housing Element;
7. Coastal Management Element for coastal jurisdictions;
8. Intergovernmental Coordination Element; and
9. Capital Improvements Element.

The local government may add optional elements (e. g., community design, redevelopment, safety, historical and scenic preservation, and economic).

All local governments in Southwest Florida have adopted revised plans:

Charlotte County, Punta Gorda

Collier County, Everglades City, Marco Island, Naples

Glades County, Moore Haven

Hendry County, Clewiston, LaBelle

Lee County, Bonita Springs, Cape Coral, Fort Myers, Fort Myers Beach, Sanibel

Sarasota County, Longboat Key, North Port, Sarasota, Venice

COMPREHENSIVE PLAN AMENDMENTS

A local government may amend its plan at any time during the calendar year. Six copies of the amendment are sent to the Department of Economic Opportunity (DEO) for review. A copy is also sent to the Regional Planning Council, the Water Management District, the Florida Department of Transportation, and the Florida Department of Environmental Protection.

The proposed amendments will be reviewed by DEO in two situations. In the first, there must be a written request to DEO. The request for review must be received within forty-five days after transmittal of the proposed amendment. Reviews can be requested by one of the following:

- the local government that transmits the amendment,
- the regional planning council, or
- an affected person.

In the second situation, DEO can decide to review the proposed amendment without a request. In that case, DEO must give notice within thirty days of transmittal.

Within five working days after deciding to conduct a review, DEO may forward copies to various reviewing agencies, including the Regional Planning Council.

Regional Planning Council Review

The Regional Planning Council must submit its comments in writing within thirty days of receipt of the proposed amendment from DEO. It must specify any objections and may make recommendations for changes. The review of the proposed amendment by the Regional Planning Council must be limited to "effects on regional resources or facilities identified in the Strategic Regional Policy Plan and extra-jurisdictional impacts which would be inconsistent with the comprehensive plan of the affected local government".

After receipt of comments from the Regional Planning Council and other reviewing agencies, DEO has thirty days to conduct its own review and determine compliance with state law. Within that thirty-day period, DEO transmits its written comments to the local government.

NOTE: THE ABOVE IS A SIMPLIFIED VERSION OF THE LAW. REFER TO THE STATUTE (CH. 163, FS) FOR DETAILS.

VILLAGE OF ESTERO COMPREHENSIVE PLAN AMENDMENT (DEO 16-2ESR)

RECEIVED: NOVEMBER 21, 2016

Summary of Proposed Amendment

This amendment package includes the addition of a new proposed Policy 19.3.4. This policy encourages re-development of underutilized commercial lands by providing an option to convert lands to residential uses at higher residential densities within the Urban Community Future Land Use Designation and Mixed-Use Overlay in a manner consistent with the Transitional Comprehensive Plan Policies 19.1.1.C, 19.1.1.d, 19.1.3.e, 19.2.1.i and 19.3.2. The proposed Policy 19.3.4 defines six conditional requirements:

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

And two review requirements:

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

The amendment package also requests to rezone a 5.32 +/- acre Commercial Planned Development (CPD) parcel, identified as a portion of Development Area "A" within the Corlico Villages RPD/CPD

pursuant to Lee County Zoning Resolution Z-02-071, to Residential Planned Development (RPD) to accommodate a multi-family residential development with 60 units, a recreation area, and 270 parking spaces. Maximum height proposed is 35 feet. The Development will connect to both potable water and sanitary sewer services. The subject property is located at the northeast corner of the intersection of Estero Parkway and Three Oaks Parkway. The applicant has indicated that the subject property STRAP number is 23-46-25-E4-U2143.2581.

The subject property is referred to as Development Area "A" within the overall Corlico Villages RPD/CPD and is under contract by the same owner as Development Area "B" which is zoned residential. Development Area "B" is known as the Reef – Phase I and was recently completed with 168 multi-family residential units used for student housing. The subject site, Development Area "A", is currently zoned commercial and is approved for 46,200 square feet of commercial retail and office uses not to exceed 35 feet in height. The Applicant desires to rezone the subject site to residential in order to develop 60 multi-family units as Phase II of The Reef which will be similar to and incorporated as part of the student housing community recently completed on the Development Area "B" parcel.

Regional Impacts

Council staff has reviewed the requested changes and finds that the requested Comprehensive Plan amendments do not directly produce any significant regional impacts that would be inconsistent with the Comprehensive Plan of any other local government within the region.

Extra-Jurisdictional Impacts

Council staff has reviewed the requested changes and finds that the requested Comprehensive Plan amendments do not directly produce any significant extra-jurisdictional impacts that would be inconsistent with the Comprehensive Plan of any other local government within the region.

Conclusion

No adverse effects on regional resources or facilities and no extra-jurisdictional impacts have been identified. Staff finds that this project is not regionally significant.

Recommended Action

Approve staff comments. Authorize staff to forward comments to the Department of Economic Opportunity and the Village of Estero.

MAPS

Village of Estero

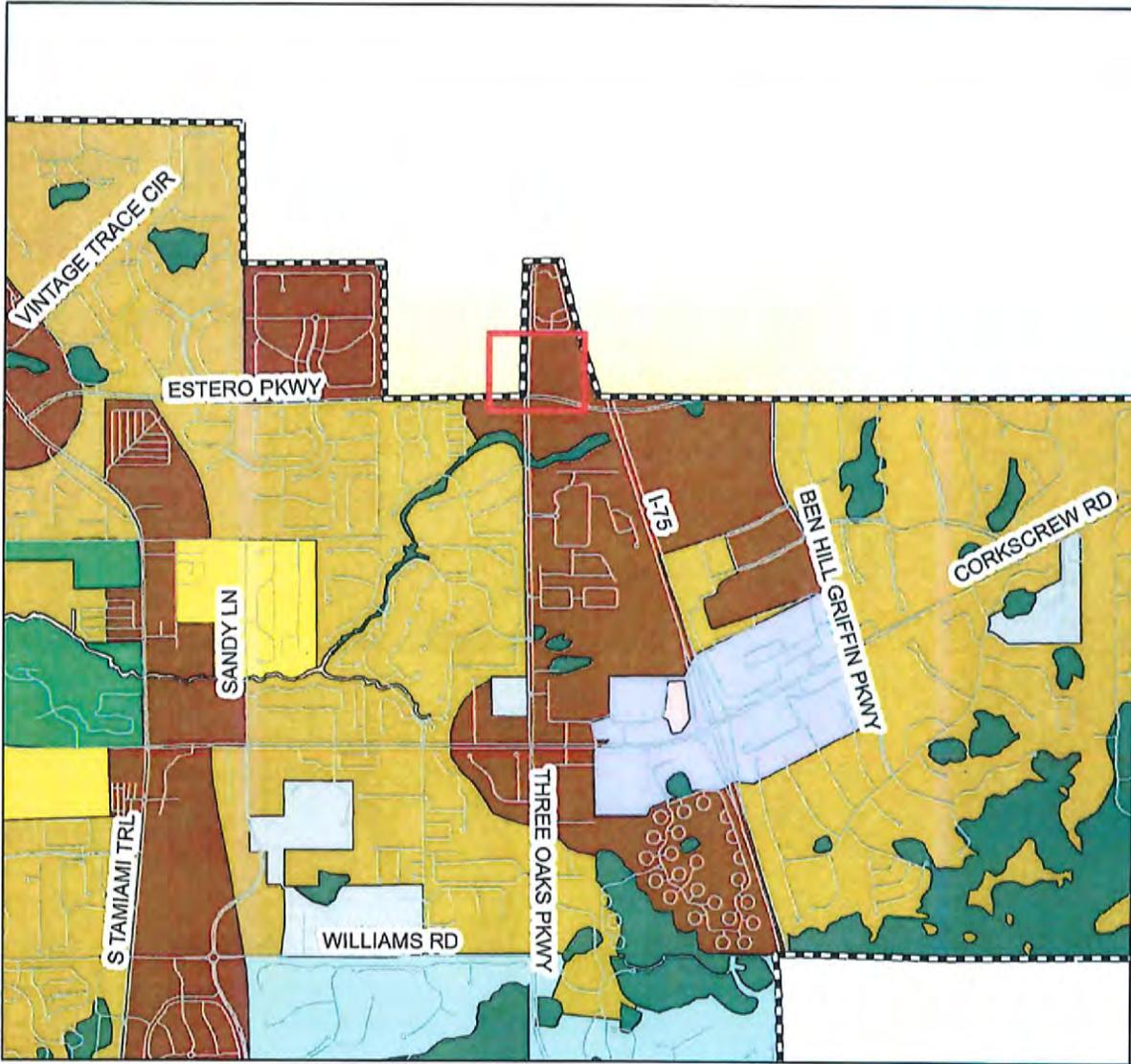
DEO 16-2ESR

Growth Management Plan

Comprehensive Plan Amendment



The Village of Estero Future Land Use Map



Legend

- Town Boundary
- Land Use**
- Conservation Lands Upland
- Conservation Lands Wetland
- Density Reduction/ Groundwater Resource
- General Interchange
- Intensive Development
- Outlying Suburban
- Public Facilities
- Rural
- Suburban
- University Community
- Urban Community
- Wetlands



Print Date: 9-29-2016





The Village of Estero Zoning Map

Legend

Town Boundary

Zoning

- | | | | |
|--|-------|--|---------|
| | AG-2 | | PUD |
| | AG-3 | | RM-2 |
| | C-1 | | RPD |
| | C-1A | | RPD-CPD |
| | CC | | RS-1 |
| | CF | | RS-2 |
| | CFPD | | RS-3 |
| | CPD | | RS-4 |
| | CS-2 | | RSA |
| | CG | | RSC-1 |
| | EC | | RV-3 |
| | IL | | TFC-2 |
| | MH-1 | | |
| | MH-2 | | |
| | MH-3 | | |
| | MHC-2 | | |
| | MPD | | |

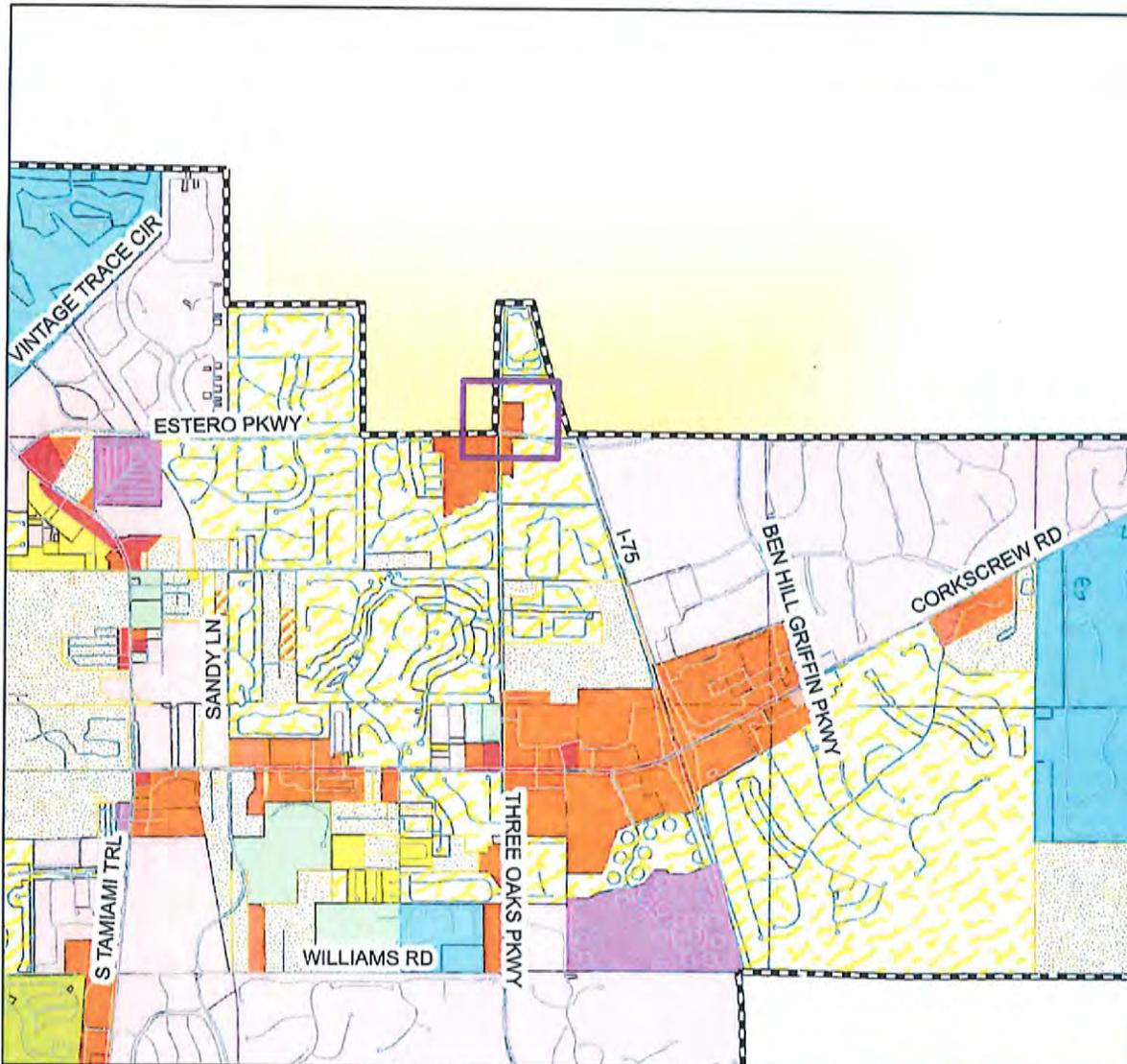


0 0.15 0.3 0.6 Miles

Print Date: 9-29-2016

Cohn, Giordano & Associates, Inc.
EXCEPTIONAL TOGETHER

GIS Produced and maintained by the CGA
Geographic Information System Services



"THE REEF" PHASE II MASTER CONCEPT PLAN



LAND USE TABLE

LAND USE	PERCENTAGE	PERMANENT	TEMPORARY
RESIDENTIAL	100%	100%	0%
COMMERCIAL	0%	0%	0%
INDUSTRIAL	0%	0%	0%
RECREATION	0%	0%	0%
OFFICE	0%	0%	0%
RETAIL	0%	0%	0%
RESTAURANT	0%	0%	0%
OTHER	0%	0%	0%

DENSITY SUMMARY

AREA	ACRES	UNITS	DENSITY
TOTAL	175.00	1,450	8.3

SETBACKS
 FROM FRONT YARD: 10 FT
 FROM SIDE YARD: 5 FT
 FROM REAR YARD: 10 FT

PARKING CALCULATIONS

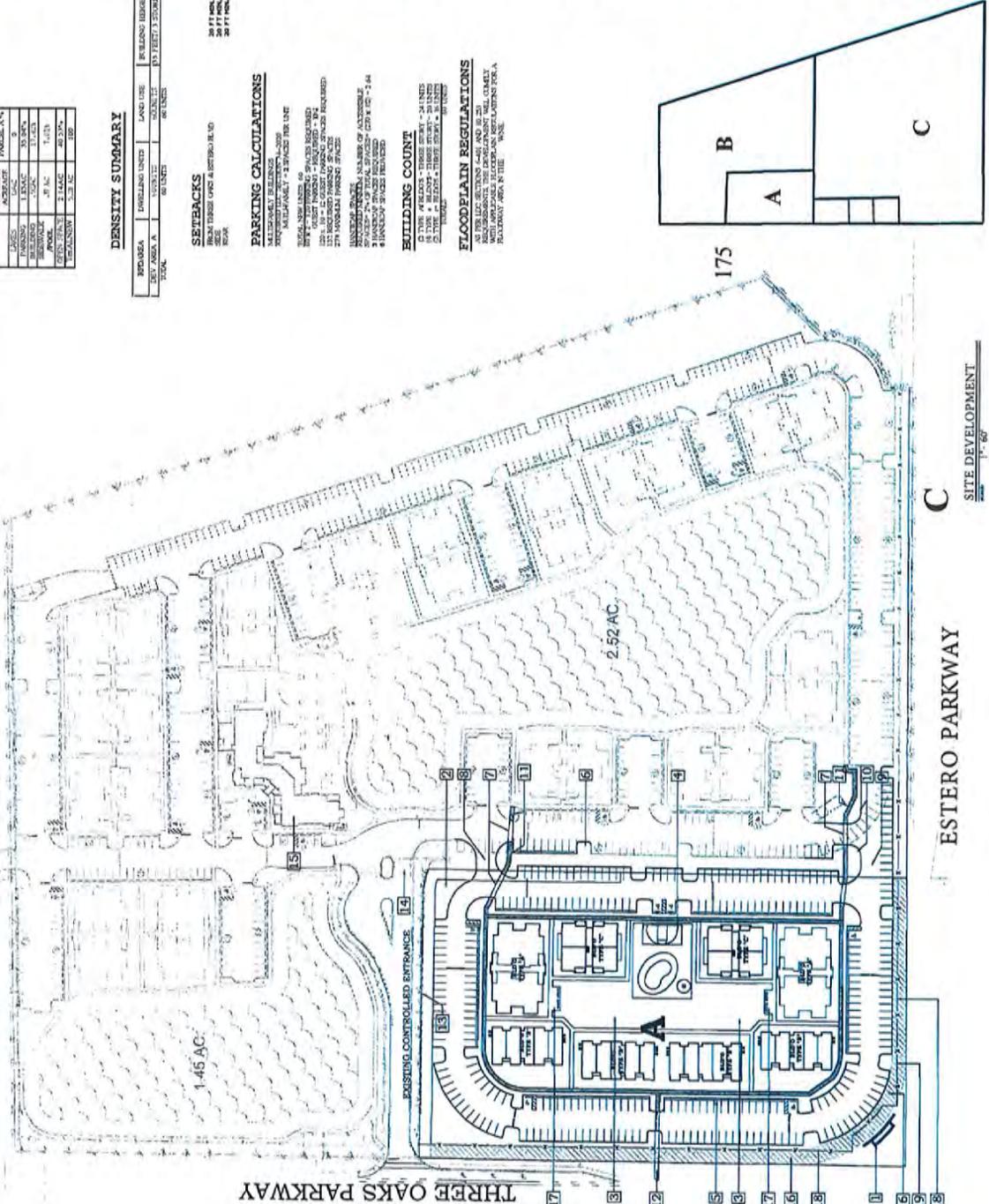
RESIDENTIAL: 1.5 SPACES PER UNIT
 COMMERCIAL: 1.5 SPACES PER 100 SQ FT
 OFFICE: 1.5 SPACES PER 100 SQ FT
 TOTAL: 1,450 UNITS x 1.5 = 2,175 SPACES

BUILDING COUNT

175 UNITS
 175 UNITS
 175 UNITS

FLOODPLAIN REGULATIONS

AS PER THE FLOODPLAIN ACT AND THE REGULATIONS, THE DEVELOPMENT SHALL BE SITED IN THE UNFLOODED PORTION OF THE SITE.



SCHEDULE OF USES
 1. RESIDENTIAL
 2. COMMERCIAL
 3. INDUSTRIAL
 4. RECREATION
 5. OFFICE
 6. RETAIL
 7. RESTAURANT
 8. OTHER

MCP REFERENCE NOTES

[00]	PROPOSED PROJECT SIGN / FEATURE
[01]	DUMPSTER / RECYCLE LOCATION (IF REQUIRED)
[02]	CURB CUT AREA
[03]	AMENITIES AREA
[04]	SEWERS
[05]	REVISED ISLAND LOCATION
[06]	GROSS WALK CONNECTION
[07]	NEW ACCESS (11 SPACES) AND 18 SPACES (NEW CURB - 1 SPACE)
[08]	RECONFIGURED DRIVE
[09]	NEW SIDE WALK CONNECTION
[10]	SIDEWALK CONNECTION TO THREE OAKS
[11]	EXISTING FENCE & BUFFER FROM REEF 1
[12]	EXISTING CONTROLLED GATE
[13]	EXISTING CLUBHOUSE
[14]	ENHANCED TYPE 10 BUFFER (20' WIDE W/ 1" 3" GRASS BERM) PER 100' 2" 4" 6" 8" 10" 12" 14" 16" 18" 20" 22" 24" 26" 28" 30" 32" 34" 36" 38" 40" 42" 44" 46" 48" 50" 52" 54" 56" 58" 60" 62" 64" 66" 68" 70" 72" 74" 76" 78" 80" 82" 84" 86" 88" 90" 92" 94" 96" 98" 100'
[15]	EXISTING ALUMINUM FENCE TO MARCH (EXISTING 6" MAX HEIGHT)
[16]	SUPPLEMENTAL PEDESTRIAN GATE ACCESS TO MARCH EXISTING

C SITE DEVELOPMENT
 1" = 60'

ESTERO PARKWAY

175

MCP

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**VILLAGE OF ESTERO, FLORIDA
COMPREHENSIVE PLAN AMENDMENT
ORDINANCE NO. 2016 - 15**

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AN ORDINANCE OF THE VILLAGE COUNCIL OF THE VILLAGE OF ESTERO, FLORIDA, APPROVING AN AMENDMENT TO THE VILLAGE TRANSITIONAL COMPREHENSIVE PLAN TO ADD POLICY 19.3.4 PROVIDING FOR THE OPTION TO CONVERT A COMMERCIAL PLANNED DEVELOPMENT OF NOT MORE THAN 5.5 ACRES WITHIN THE URBAN COMMUNITY FUTURE LAND USE DESIGNATION AND MIXED-USE OVERLAY TO A RESIDENTIAL PLANNED DEVELOPMENT WHEN COMBINED WITH AN EXISTING ADJACENT RESIDENTIAL PLANNED DEVELOPMENT UNDER CERTAIN CONDITIONS FOR A DENSITY NOT TO EXCEED EIGHT DWELLING UNITS PER GROSS ACRE ACROSS THE RESULTING RESIDENTIAL PLANNED DEVELOPMENT COMPRISED OF BOTH PARCELS; PROVIDING FOR TRANSMITTAL PURSUANT TO STATE STATUTE; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Village of Estero Charter provides that the Lee County Comprehensive Plan existing as of the date of the Village incorporation shall be the Village of Estero Transitional Comprehensive Plan (“Comprehensive Plan”); and

WHEREAS, the Urban Community Future Land Use designation currently provides for a maximum density of six units per acre; and

WHEREAS, in certain limited circumstances the Village Council in its discretion may find that it is in the interest of the public health, safety and welfare to encourage redevelopment of underutilized commercial lands zoned as Commercial Planned Development by providing an option to convert those lands to residential uses at higher residential densities than six dwelling units to the acre but not to exceed eight dwelling units per acre, when combined with an existing adjacent Residential Planned Development; and

WHEREAS, the Village of Estero Planning and Zoning Board conducted a workshop on July 19, 2016, to consider an amendment to the Comprehensive Plan for this purpose; and

WHEREAS, the Village of Estero Planning and Zoning Board, sitting as the Local Planning Agency, held a duly advertised public hearing on October 11, 2016 and made a recommendation to the Village Council regarding the proposed Comprehensive Plan amendment; and

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Section 5. Severability

Should any section, paragraph, sentence, clause, phrase or other part of this Ordinance subsequent to its effective date be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of this Ordinance as a whole or any portion thereof, other than the part so declared to be invalid.

Section 6. Effective Date

This Ordinance shall be effective upon and adoption by the Village Council at second reading, except that the effective date of the amendment to the Village of Estero Comprehensive Plan (Attachment A) shall be thirty-one (31) days after the State Land Planning Agency notifies the Village that the plan amendment package is complete. If timely challenged, the amendment becomes effective when the State Land Planning Agency or the Administration Commission enters a final order determining the adopted amendment to be in compliance.

PASSED on first reading the 16th day of November, 2016.

PASSED AND APPROVED on second reading this 4th day of January, 2017.

Attest:

VILLAGE OF ESTERO, FLORIDA

By: _____
Kathy Hall, MMC, Village Clerk

By: _____
Nicholas Batos, Mayor

Approved as to form and legal sufficiency:

By: _____
Nancy Stroud, Esq., Village Land Use Attorney

Vote:	AYE	NAY
Mayor Batos	_____	_____
Vice Mayor Levitan	_____	_____
Councilmember Boesch	_____	_____
Councilmember Brown	_____	_____
Councilmember Errington	_____	_____
Councilmember Ribble	_____	_____
Councilmember Wilson	_____	_____

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**VILLAGE OF ESTERO, FLORIDA
ZONING
ORDINANCE NO. 2016 - 16**

AN ORDINANCE OF THE VILLAGE COUNCIL OF THE VILLAGE OF ESTERO, FLORIDA, APPROVING A REZONING FROM COMMERCIAL PLANNED DEVELOPMENT TO RESIDENTIAL PLANNED DEVELOPMENT WITH ONE DEVIATION TO ALLOW A 60 UNIT MULTIPLE FAMILY PROJECT FOR PROPERTY LOCATED AT THREE OAKS PARKWAY CONSISTING OF APPROXIMATELY 5.32 ACRES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, FGCU – Reef LLC (the “Applicant”) filed applications to amend the Transitional Comprehensive Plan by adding a new Policy, and a rezoning from Commercial to Residential Planned Development for a property located at Three Oaks Parkway (at the northeast corner of Estero Parkway and Three Oaks Parkway), Estero, FL, consisting of approximately 5.32 acres (the “Property”); and

WHEREAS, the Property STRAP number is 23-46-25-E4-U2143.2581, and the Property is legally described in Exhibit A attached hereto; and

WHEREAS, the Applicant requested a rezoning from the Commercial Planned Development District (CPD) to Residential Planned Development District (RPD); and

WHEREAS, the Applicant has requested a deviation to allow an additional monument sign; and

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

WHEREAS, a duly noticed first reading was held before the Village Council on November 16, 2016; and

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

45 **NOW, THEREFORE**, be it ordained by the Village Council of the Village of Estero,
46 Florida:

47
48 **Section 1.** **Rezoning.**

49
50 The Village Council approves the rezoning of the Property from Commercial Planned
51 Development District (CPD) to Residential Planned Development District (RPD), to
52 allow a maximum of 60 multifamily residential units not to exceed 35 feet in height,
53 subject to the following conditions and deviation.

54
55 **Section 2.** **Conditions.**

56
57 1. The development of this project must be consistent with the one-page Master
58 Concept Plan entitled, “THE REEF” – PHASE II, MASTER CONCEPT PLAN –
59 stamped received October 18, 2016. The development must comply with all of the
60 requirements of the LDC at the time of development order approval. The zoning and
61 Comprehensive Plan amendments will allow a maximum of 60 multi-family units and
62 the maximum height of the buildings shall not exceed 35 feet and three stories.

63
64 2. The rezoning shall not be effective until such time that the Comprehensive Plan
65 amendment (Exhibit B), or an amendment that is substantially similar, is adopted and
66 effective.

67
68 3. The applicant shall provide an enhanced buffer along Estero Parkway and Three
69 Oaks Parkway. The buffer shall provide a berm, taller trees and additional material
70 (including trees, shrubs and groundcover) to provide screening of the parking and
71 vehicle areas, consistent with the Pattern Book.

72
73 4. To address school impacts, the applicant shall pay school impact fees, if the
74 project is not restricted by covenant to student housing.

75
76 5. Uses and Site Development Regulations:

77
78 **Schedule of Uses**

- 79
80 Accessory Uses and Structures
81 Administrative Offices
82 Dwelling Unit: Multiple-family building
83 Entrance Gates and Gatehouse
84 Essential Services
85 Excavation: Water retention
86 Fences, Walls

87 Home Occupation
88 Models: Limited to leasing of units in subject property only
89 Recreational Facilities: Personal and private, on-site
90 Residential Accessory Uses
91 Signs in accordance with Chapter 30 and Chapter 33 of the LDC or as approved
92 by deviation
93

94 **Property Development Regulations**

95
96 Height 35 Feet maximum
97 Stories 3 Stories maximum
98 Setbacks:
99 Front 20 Feet minimum
100 Side 20 Feet minimum
101 Rear 20 Feet minimum
102 Parking 278 Spaces maximum
103

104 6. No Blasting

105 No development blasting is permitted as part of this project.
106

107 7. Land Development Code/Concurrency

108 Approval of this zoning does not constitute a finding that the proposed project meets
109 the concurrency requirements set forth in Land Development Code Chapter 2 and all
110 requirements of the Land Development Code. The developer is required to demonstrate
111 compliance with all concurrency requirements prior to issuance of a local development
112 order.
113

114 8. Plan Consistency/Concurrency

115 Approval of this rezoning does not guarantee development order approval, or issuance
116 of a Concurrency Certificate. Future development order approvals must be found
117 consistent with all other Comprehensive Plan provisions.
118

119 9. Utilities

120 Water and sewer services are available to the site, and this development must connect
121 to those services as part of any local development order for the site for vertical
122 construction.
123

124 10. Lighting

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

126 Section 34-625 utilizing a maximum height of 15 feet for structures. All lighting must
127 be architecturally designed and complementary to the buildings where the lighting is
128 located.

129
130 11. Pattern Book
131 The project design must be consistent with the Pattern Book dated stamped Received
132 October 18, 2016.

133
134 12. Signage
135 The development of the subject property must include a unified, common signage plan
136 and graphic theme throughout the project as depicted in the Pattern Book. The overall
137 Reef Project has one permitted Residential Identification Sign which is already
138 installed at the project entrance drive. A deviation to authorize the proposed sign on
139 the Master Concept plan on the southwest corner of the site is approved.

140
141 13. Open Space
142 The project must provide a minimum of 40% open space in substantial compliance with
143 the approved Master Concept Plan.

144
145 14. Fencing
146 Fencing design is as depicted in the Pattern Book. Any fencing shall be concealed by
147 landscaping on the outside of the fence.

148
149 15. Covenants
150 A Declaration of Covenants acceptable to the Village Land Use Attorney shall be
151 provided encumbering Parcels A and B sufficient to provide for and maintain unified
152 operation and control of the project. The Declaration shall be recorded at issuance of
153 any Development Order for the site.

154
155 16. Hurricane Mitigation
156 The project is within hurricane evacuation zone B. Therefore, hurricane mitigation is
157 required prior to the approval of the Development Order, based on the options provided
158 in the Land Development Code, Section 2-485.

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160 17. Shuttle bus
161 A shuttle bus service will be provided on site, to provide transportation for students to
162 FGCU, similar to that provided by the existing project, unless an alternative is provided
163 by the University

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18. Dumpster Location

The trash dumpster location must be moved to be screened and internal to the site.

19. Student Housing

The development will be managed and operated as student housing (subject to federal housing laws). Any change to this restriction will require a public hearing and amendment of this Ordinance at Village Council.

Section 3. Deviation.

1. A deviation from LDC Section 30-152(2)b which requires 2,000 feet of frontage for an additional residential sign is approved, to allow a monument sign at the corner of Three Oaks and Estero Parkway as shown on the Master Concept Plan.

Section 4. Findings and Conclusions.

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

1. The applicant has provided sufficient justification for the rezoning by demonstrating compliance with the Land Development Code.
2. The application is consistent with the standards in the Residential Planned Development district and compatible with existing or planned uses in the surrounding area.
3. Urban services will be available and adequate to serve the proposed use.
4. The proposed use, as conditioned, is appropriate at the subject location.
5. There will be additional trips generated by the project, but there will not be Level of Service issues and there will be fewer trips generated on the roadways than if developed under the existing commercial zoning.
6. The recommended conditions to the Master Concept Plan and rezoning provide sufficient safeguards to the public interest and are reasonably related to impacts on the public's interest created by or expected from the proposed development.
7. The deviation recommended for approval:
 - (a) Enhances the planned development; and
 - (b) Preserves and promotes the general intent of the LDC to protect the public, health, safety and welfare.

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8. The application is consistent with the Comprehensive Plan as conditioned upon the proposed amendment to the Comprehensive Plan, or an amendment substantially similar, being adopted and effective.

Section 5. Exhibits.

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

- Exhibit A Legal Description
- Exhibit B Text Amendment Policy
- Exhibit C Master Concept Plan
- Exhibit D Pattern Book

Section 6. Conflicts.

All sections or part of Sections of the Code of Ordinances, all Ordinances or parts of Ordinances, and all Resolutions, or parts of Resolutions, in conflict with this Ordinance shall be repealed to the extent of such conflict upon the effective date of this Ordinance.

Section 7. Severability.

Should any section, paragraph, sentence, clause, phrase or other part of this Ordinance subsequent to its effective date be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of this Ordinance as a whole or any portion thereof, other than the part so declared to be invalid.

Section 8. Effective Date.

This Ordinance shall be effective on the date the Comprehensive Plan Amendment CPA2016-02 adopted by Ordinance 2016-15 becomes effective.

PASSED on first reading this ____ day of _____, 2016.

PASSED AND ADOPTED BY THE VILLAGE COUNCIL of the Village of Estero, Florida this ____ day of _____, 2016.

Attest: **VILLAGE OF ESTERO, FLORIDA**

By: _____
Kathy Hall, MMC, Village Clerk

By: _____
Nicholas Batos, Mayor

EXHIBIT A

INSTR # 2014000177771 Page Number: 3 of 3

A TRACT OR PARCEL LYING IN THE SOUTHWEST $\frac{1}{4}$ OF SECTION 23, TOWNSHIP 48 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SECTION 23, TOWNSHIP 46 SOUTH, RANGE 25 EAST; THENCE S.89°44'27"E., ALONG THE SOUTH LINE OF THE SOUTHWEST $\frac{1}{4}$ OF SAID SECTION 23 A DISTANCE OF 619.96 FEET; THENCE N.00°52'41"E., A DISTANCE OF 75.00 FEET TO THE POINT OF BEGINNING; THENCE N.69°44'27"W., A DISTANCE OF 361.78 FEET; THENCE N.44°17'00"W., A DISTANCE OF 11.52 FEET; THENCE N.00°52'41"E., A DISTANCE OF 620.12 FEET; THENCE S.80°07'19"E., A DISTANCE OF 337.51 FEET TO THE POINT OF CURVE OF A NON TANGENT CURVE TO THE RIGHT, OF WHICH THE RADIUS POINT LIES S.00°52'51"W., A RADIAL DISTANCE OF 80.00 FEET; THENCE EASTERLY ALONG THE ARC, THROUGH A CENTRAL ANGLE OF 23°54'28", A DISTANCE OF 33.38 FEET; THENCE S.00°52'41"W., A DISTANCE OF 617.47 FEET TO THE POINT OF BEGINNING.

PARCEL CONTAINS 231,594.07 SQUARE FEET OR 5.32 ACRES, MORE OR LESS. :

EXHIBIT B

The Reef TEXT AMENDMENT

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

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

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

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

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

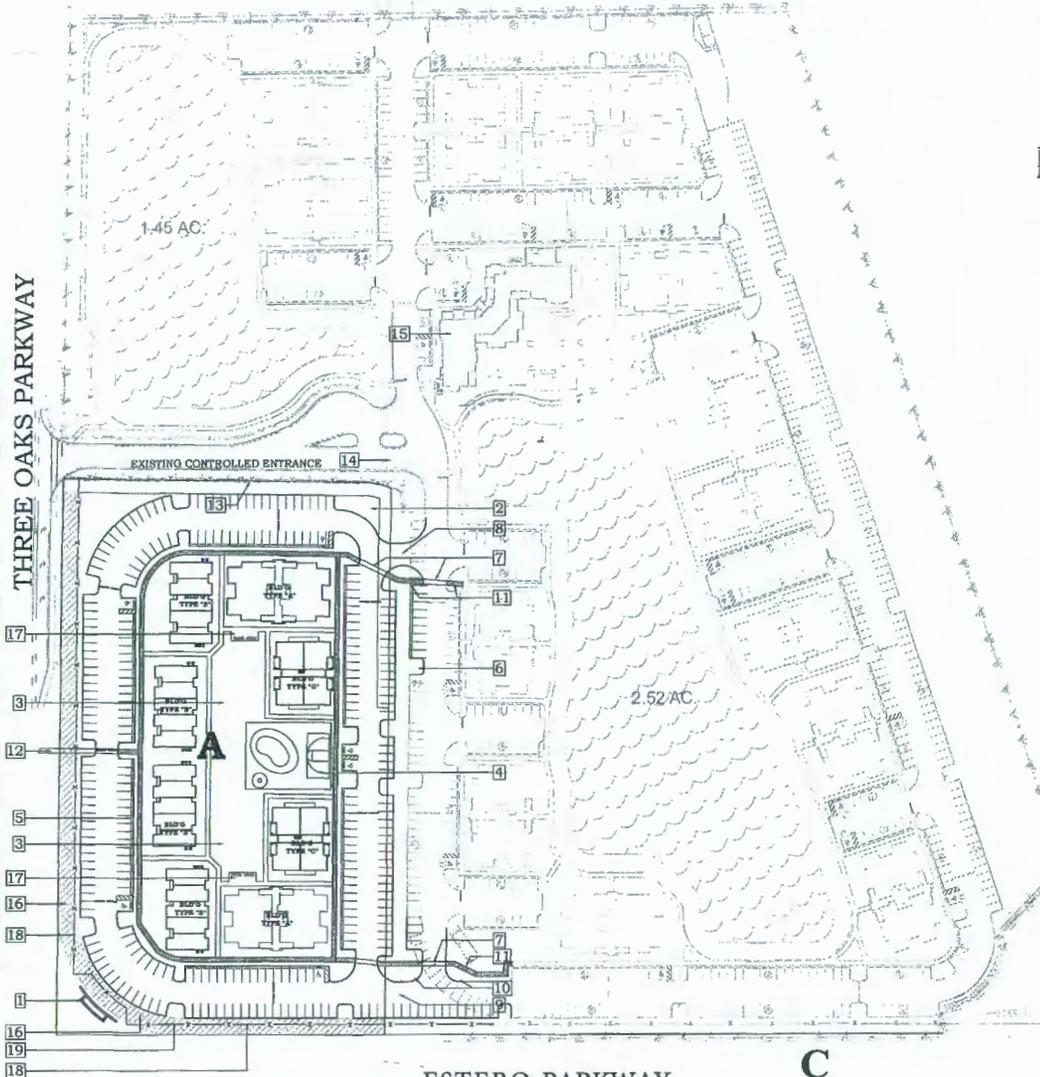
EXHIBIT C

"THE REEF" PHASE II MASTER CONCEPT PLAN

SCHEDULE OF USES

Base: R-1 (Residential Single-Family) LDC, EXCEPT:
 ACCESSORY USES AND STRUCTURES
 ADMINISTRATIVE OFFICES
 DEVELOPMENT USES
 Multi-family buildings
 ENTRANCE GATES AND COURTYARDS
 ESSENTIAL SERVICES
 EXHAUSTION VENTILATION
 FENCES, WALLS
 HOME OCCUPANCY
 MOBILE HOME USE, mobile home, mobile d., by order
 RECREATIONAL FACILITIES: Pool and
 Tennis Courts
 RESIDENTIAL, ACCESSORY USES
 SETS in accordance with Chapter 15 of the LDC

MCP REFERENCE NOTES	
(0)	PROPOSED PROJECT SIGN / FEATURE
(D)	DUMPSTER / RECYCLE LOCATION (IF REQUIRED)
(@)	COMMON AREA
(H)	AMENITIES AREA
(S)	SIDEWALK
(SI)	REVISED ISLAND LOCATION
(Z)	CROSS WALK CONNECTION
(N)	NEW ACCESS (- 6 SPACES)
(Z)	NEW ACCESS (+ 1 SPACES/ ADD 18 SPACES/ NET GAIN - 1 SPACE)
(P)	RECONFIGURED DRIVE
(W)	NEW SIDE WALK CONNECTION
(I2)	SIDEWALK CONNECTION TO THREE OAKS
(I1)	EXISTING FENCE & BUFFER FROM REEF I
(H)	EXISTING CONTROLLED GATE
(Im)	EXISTING CLUBHOUSE
(M)	ENHANCED TYPE 'D' BUFFER (20' WIDE W/ 1'-2" GRASS BERM) • 15' (100 GALLON TREES @ 0 PER 100' • 12' (45 GALLON TREES @ 0 PER 100' • DOUBLE ROW HEDGE PLANTED 36"-48" Ø GALLONS) SHRUBS
(I1)	GRILLING AREA
(S)	DECORATIVE ALUMINUM FENCE TO MATCH EXISTING (6' MAX HEIGHT)
(I2)	(OPTIONAL) PEDESTRIAN GATE ACCESS TO MATCH EXISTING



LAND USE TABLE

	PARCEL A ACRES	PARCEL A %
LAKES	0.00	0
PARKING	1.83 AC	35.04%
BUILDINGS	3.92 AC	17.42%
ROADWAY	.87 AC	7.01%
POOL		
OPEN SPACE	2.14 AC	40.53%
TOTAL NEW	5.29 AC	100

DENSITY SUMMARY

REBARA	DWELLING UNITS	LAND USE	BUILDING HEIGHT
DRY AREA A	60 UNITS	60 UNITS	75 FEET 3 STOREYS
TOTAL	60 UNITS	60 UNITS	

SETBACKS

FROM THREE OAKS & ESTERO R.L.U.D.
 SIDE 30 FT MIN.
 REAR 30 FT MIN.

PARKING CALCULATIONS

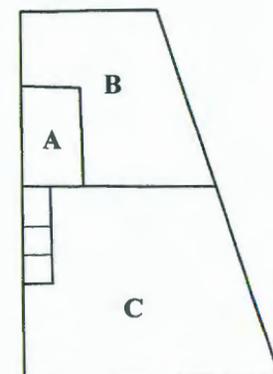
MULTIFAMILY BUILDINGS
 REQUIRED BY SECTION 4-200
 MULTIFAMILY = 3 SPACES PER UNIT
 TOTAL NEW UNITS 60
 60 x 3 = 180 REQUIRED SPACES REQUIRED
 (RUST PARKING = REQUIRED) = 84
 120 x 10 = 1200 REQUIRED PARKING SPACES
 152 REQUIRED PARKING SPACES
 278 AVAILABLE PARKING SPACES
 HANDICAP SPACES
 REQUIRED PER ADA NUMBER OF ACCESSIBLE SPACES = 2% OF TOTAL SPACES = (278 x .02) = 5.64
 3 HANDICAP SPACES REQUIRED
 3 HANDICAP SPACES PROVIDED

BUILDING COUNT

(1) TYPE A BLDG'S - THREE STORY = 24 UNITS
 (2) TYPE B BLDG'S - THREE STORY = 20 UNITS
 (3) TYPE C BLDG'S - THREE STORY = 16 UNITS
 TOTALS 60 UNITS

FLOODPLAIN REGULATIONS

AS PER LDC SECTIONS 6-401 AND 10-203 REQUIREMENTS, THIS DEVELOPMENT WILL COMPLY WITH APPLICABLE FLOODPLAIN REGULATIONS FOR A FLOODWAY AREA IN THE WING.



ESTERO PARKWAY

C
 SITE DEVELOPMENT
 SCALE 1" = 60'

MCHARRIS
 PLANNING & DESIGN

19665 THREE OAKS PARKWAY
 FORT MYERS, FL 33907

DATE: 01-16-2023
 PROJECT: THE REEF PHASE II MASTER CONCEPT PLAN
 SHEET: MCP

The Reef Student Housing Pattern Book



Property Location:

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



Design Standards

Building

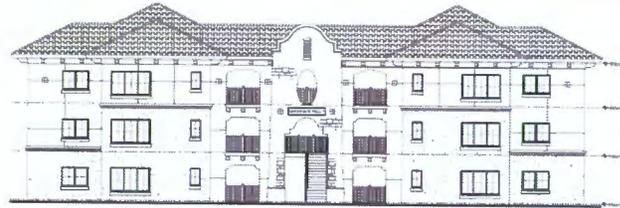
- Roof
- Details
- Walls
- Colors

Site Plan

- Parking
- Buffers
- elements

Landscaping

- Material
- hardscape
- Details



FRONT ELEVATION



FRONT ELEVATION





Roof/Building Design Standards



High Profile "S"



Roof Changes



Decorative Trim/Eave Brackets





Walls/Building Design Standards



Trim/Banding



Textured Stucco 1



Textured Stucco 2



Windows/Trim



Opening/details



Multi-Colored



Base Trim



Composition



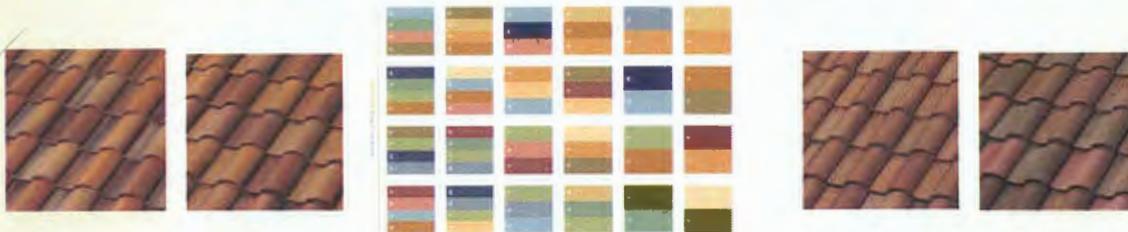
Lighting



Colors/Building Design Standards



Existing Earth-tone Color Palette



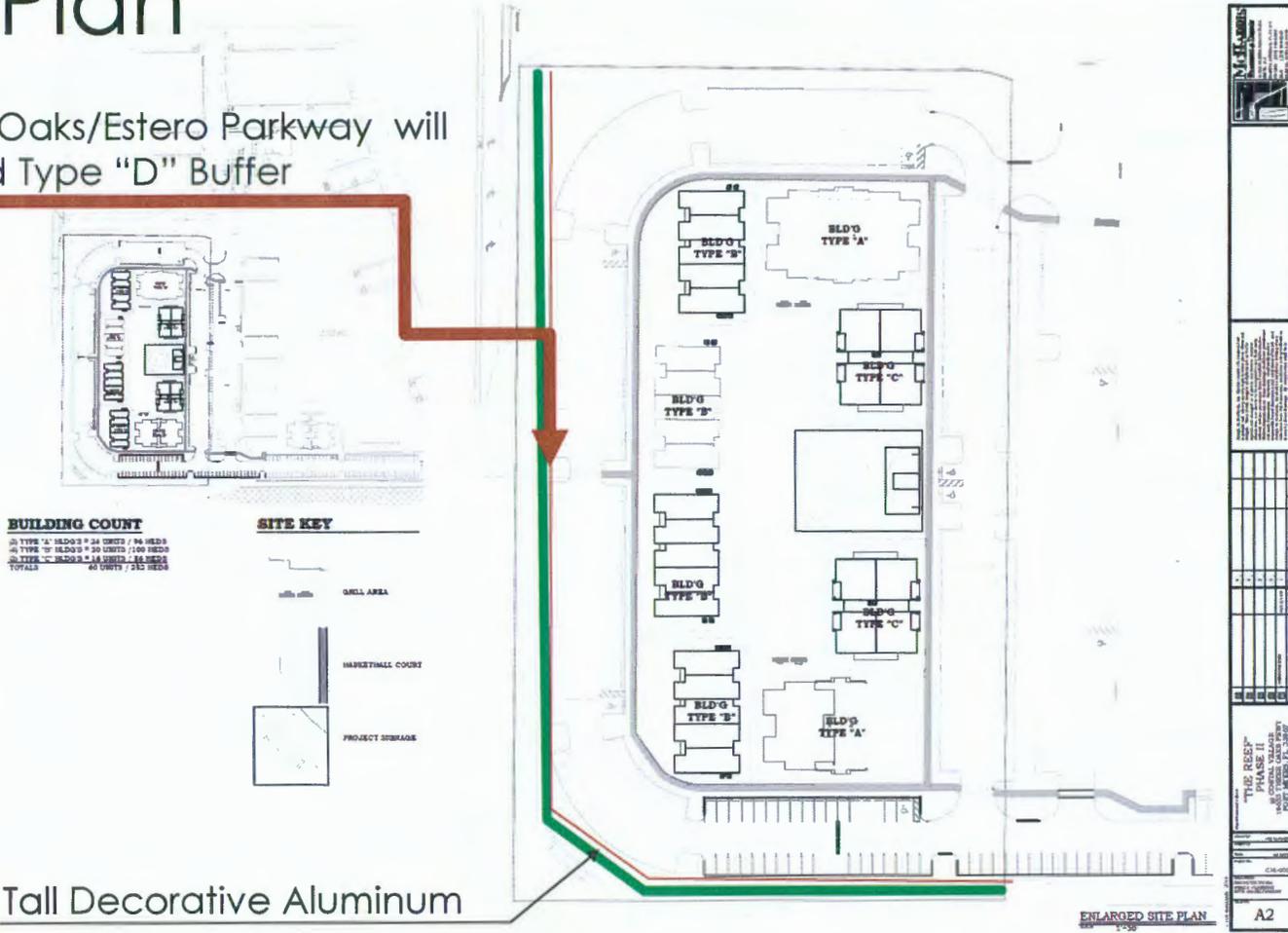
Proposed New Earth-tone Color Palette





Site Plan

Buffer along Three Oaks/Estero Parkway will have an Enhanced Type "D" Buffer



Max 6'-0" Tall Decorative Aluminum Fencing



Material/Landscape Design Standards



Trees and Palms



Shrubs/Ground Cover



Proposed Landscaping

Trees (100% Native/Drought Resistant)*

Green Button Wood/Conocarpus Erectus	12'-14' O.A x 6' spread, 45 gallon min or FG equivalent
Cabbage Palm/Sable Palmetto	12'-18' CT, Booted/Slick, Hur. Cut
Red Maple/Acer Rubrum	12'-14' O.A x 6' spread, 45 gallon min or FG equivalent
Slash Pine/Pinus Elliottii 'Densa'	12'-14' O.A x 6' spread, 45 gallon min or FG equivalent
Black Olive/Buceda Buceras 'Shady Lady'	12'-14' O.A x 6' spread, 45 gallon min or FG equivalent
Royal Palm/Royestonta Flata	6' Greywood, 18' O.A.

Additional Plantings (100% Native/Drought Resistant)*

Awabuki Viburnum/V. Odoratissimum	24" HT, x 16" W, 3 Gal., 4' O.C.
Cord Grass/Spartina Bakeri	24" HT, x 16" W, 3 Gal., 3' O.C.
Cocoplum/Chrysobalanus Icacco	24" HT, x 16" W, 3 Gal.
Parsonail Juniper/J. Chinensis 'Parsonii'	12" x 12", 3 Gal. Trailing
Firebush/Hamalia Patens	24" x 18"m 3 Gal. 3' O.C.
Gold Mound Duranta/Duranta Erecta 'Gold Mound'	24" x 18"m 3 Gal. 3' O.C.
Waters Viburnum/V. Obobatum 'whorled Class'	16" HT x 16" W, # Gal., 3' O.C.
Fakahatcee Grass/Tripsacum Dactyloides	24" HT, x 18" W, 3 Gal., 3' O.C.

Grass

Floratom Sod
Bahia Sod

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



Buffers/Landscape Design Standards



Roadway buffer



Building buffers

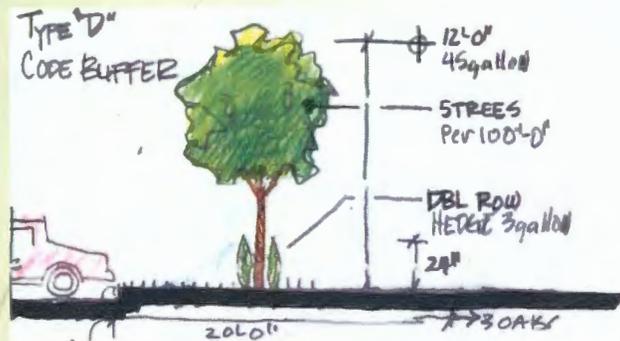


Parking Area Buffer

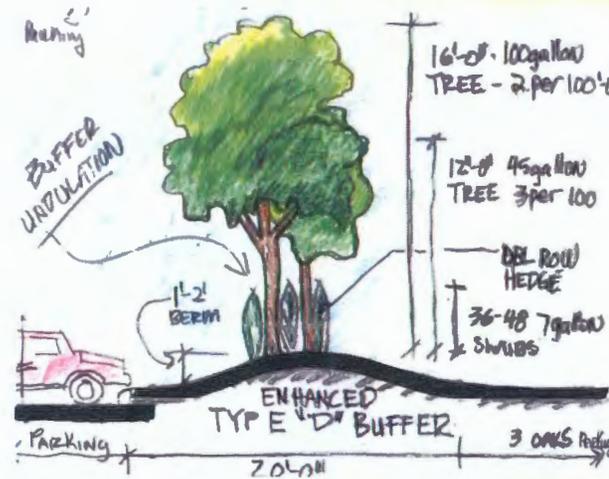




Buffers/Landscape Design Standards



Type D Code Buffer



Proposed Enhanced Type D Buffer

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





Hardscape Design Standards



**Tree Lined
Meandering
Sidewalks**



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



**Paver and
Patterns**



**Pedestrian
interconnection**





The Reef Student Housing Signage

MONUMENT SIGN

SIDE VIEW

DESCRIPTION:
 New double faced monument to be constructed of CMU with non-illuminated HDU logo, HDU primary and secondary channel letters, and 1/2" FCO address numerals. *The Reef* copy to be mounted to surround with 1-1/2" standoffs. *Student Living* to be mounted to surround with 1" standoffs. Logo to be flush mounted to stone surround.

COLOR SCHEDULE:

- Main Cabinet (Top & Bottom) = SW6135 ECRU with textured finish
- Main Cabinet (Body) = SW2629 Classical White with textured finish
- The Reef* = Painted to match *The Reef* text
- Student Living* & Address = Painted to match *The Reef* blue
- Logo = Painted to match *The Reef* logo colors.
- Tile Background = Coronado Stone Products "Caribbean Coral".

THE REEF
STUDENT LIVING

10100-251 Shephard St. Fort Myers, FL 33967

Monument Sign

Sign Area: 105 sqft
OAH: 10 R

QUEEN CITY
ENGINEERING & DESIGN

This design / engineering is to remain Queen City Engineering & Design, PLLC exclusive property until approved and accepted for purchase by client named on drawing. Inward of design and/or specifications may be duplicated without written authorization of Queen City Engineering & Design, PLLC.

Drawing No.	19016
Sheet No.	(1) OF (1)
Date	12 / 28 / 2015
Drawn By	R. Carlinar
Scale	1/2" = 1'-0"
Revision 4	3 / 02 / 16
Revision 5	5 / 06 / 16
Revision 6	6 / 16 / 16
Revision 7	8 / 30 / 16

Approved by: _____

Date: _____

APPROVED AS SHOWN
 APPROVED AS NOTED
 CORRECT & RETURN



VILLAGE OF ESTERO
Comprehensive Plan & Zoning
STAFF REPORT

PROJECT NAME: THE REEF, PHASE II
CASE TYPE: COMPREHENSIVE PLAN TEXT AMENDMENT and
PLANNED DEVELOPMENT/REZONING

CASE NUMBER: CPA 2016-02 and
DCI 2016E-01

PLANNING & ZONING BOARD DATE: OCTOBER 11, 2016
COUNCIL FIRST READING: NOVEMBER 16, 2016

REQUEST AND STAFF RECOMMENDATION

There are two requests for this property: a Comprehensive Plan Amendment and a rezoning from Commercial to Residential Planned Development with one deviation for an additional monument sign.

The 5.32 acre site is located at the northeast corner of the intersection of Three Oaks and Estero Parkway. The proposed development is a 60 unit multiple family student housing project. (Phase II of existing project, The Reef)

Staff and the Planning and Zoning Board recommend the Council transmit the Comprehensive Plan Amendment to the state for review. Once the review agencies provide their comments, the Council will hold an "adoption" hearing for the Comprehensive Plan, and a public hearing for the rezoning.

APPLICATION SUMMARY

Applicant: FGCU-Reef, LLC

Location: The subject property is located at the northeast corner of the intersection of Estero Parkway and Three Oaks Parkway. The applicant has indicated that the subject property STRAP number is 23-46-25-E4-U2143.2581.

Request 1: Amend Comprehensive Plan text to add a new Policy 19.3.4 to allow for the conversion of commercially zoned parcels to residential use under certain conditions as outlined in the new policy.

Request 2: Rezone a 5.32+/- acre Commercial Planned Development (CPD) parcel, identified as a portion of Development Area "A" within the Corlco Villages RPD/CPD pursuant to Lee

County Zoning Resolution Z-02-071, to Residential Planned Development (RPD) to accommodate a multi-family residential development with 60 units, a recreation area, and 270 parking spaces. Maximum height proposed is 35 feet. The Development will connect to both potable water and sanitary sewer services.

Request 2a: Deviation from Land Development Code Section 30-152(2)b for additional monument sign.

LAND USE CATEGORY

Urban Community and is located in the Mixed-Use Overlay

PUBLIC INFORMATION MEETING

The meeting for this application was held at the Planning and Zoning Board on July 19, 2016.

PROJECT HISTORY

The site is currently vacant and is not part of a plat or subdivision. The property consists of (1) one STRAP number (23-46-25-E4-U2143.2581) and is owned by FGCU-Reef, LLC. The property consists of 5.32+/- acres and has been part of the Corlico Villages RPD/CPD since the overall project was initially rezoned from AG-2 to Residential Planned Development (RPD) (Lee County Resolution No. Z-86-169). The subject property was subsequently rezoned from RPD to Commercial Planned Development (CPD) pursuant to Lee County Zoning Resolution No. Z-93-013. The overall Corlico Master Concept Plan was adjusted again pursuant to Lee County Zoning Resolution No. Z-02-071.

The subject property is referred to as Development Area "A" within the overall Corlico Villages RPD/CPD and is under contract by the same owner as Development Area "B" which is zoned residential. Development Area "B" is known as the Reef – Phase I and was recently completed with 168 multi-family residential units used for student housing. The subject site, Development Area "A", is currently zoned commercial and is approved for 46,200 square feet of commercial retail and office uses not to exceed 35 feet in height. The Applicant desires to rezone the subject site to residential in order to develop 60 multi-family units as Phase II of The Reef which will be similar to and incorporated as part of the student housing community recently completed on the Development Area "B" parcel.

SURROUNDING ZONING AND LAND USE

North and East – Reef Phase I residential RPD zoning which was recently constructed with 168 multi-family residential apartments. (Urban Community Land Use Category)

South – Estero Parkway and South of Estero Parkway is CPD and RPD zoning that is currently vacant. (Urban Community and Wetlands Land Use Category) The Property Appraiser records indicate this site was approved for 32,000 square feet of commercial retail and offices uses and 126 dwelling units, however, the applicant for The Reef submitted a recorded conservation easement encumbering this parcel, which would not permit that scope of development.

West – Three Oaks Parkway and West of Three Oaks is Estero Oaks, located in unincorporated Lee County, with MPD zoning that includes multifamily housing (280 units including 63 bonus density units) as well as 8 commercial outparcels with 130,000 square feet of retail and office uses. A 7-11 has recently opened on Estero Parkway. (Urban Community Land Use Category)

PROJECT DESCRIPTION

Rezoning –

The Applicant is requesting rezoning from Commercial to Residential Planned Development for a 5.32+/- acre parcel, within the Corlico Villages RPD/CPD previously approved by Lee County. This project is proposed as a multi-family residential development with 60 dwelling units, recreational areas, and 278 parking spaces (See below under 'Master Concept Plan' for more detail of the proposed project). The proposed development will be similar to the recently completed Reef - Phase I project which is to the north and east of the subject property.

The subject property is currently approved for 46,200 square feet of commercial retail and office uses. The permitted commercial uses include but are not limited to medical and professional offices, automobile service stations, banks, retail, convenience stores, indoor storage, package stores, pet services, restaurants and used merchandise stores.

Comprehensive Plan Amendment –

A Comprehensive Plan Amendment is needed to accommodate this project's proposed number of units and density. The current land use category (Urban Community) allows a density of 1 to 6 units per acre. The maximum number of units for this site would be 31 units (if wetlands are protected) and the applicant is requesting 60 units, thus the need for a Comprehensive Plan Amendment.

The applicant originally filed an amendment to change the land use map category from Urban Community to Intensive Development. After discussions with staff, the applicant revised the request to a "text" amendment as staff indicated they would not be supportive of a map amendment.

The amendment would add a new Policy 19.3.4 to allow for the conversion of commercially zoned parcels of 5.5 acres or less in size to residential use subject to several specific conditions identified below. The proposed Comprehensive Plan Text Amendment is as follows:

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

- a. The CPD Parcel shall have been zoned CPD before November 16, 2006;

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

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

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

MASTER CONCEPT PLAN

The Master Concept Plan shows one existing entrance road from Three Oaks Parkway which leads into the existing Reef – Phase I development. The entrance road has a turn-around area and controlled gate for the entire site. A loop road will lead into the Reef – Phase II section and runs around the perimeter of the subject site with six (6) 3-story buildings (Maximum Height 35 feet) in the center of the parcel with common space, open area and walkways around the buildings. A recreation area is also included in the common area between the buildings. The loop road is lined with parking for the project. There are two (2) connections between The Reef - Phase I and The Reef - Phase II along the loop road. Pedestrian sidewalks connect the subject site to Three Oaks Parkway and lead through the site in several locations and connect to The Reef – Phase I.

A total of 132 parking spaces are required for the multi-family dwelling units. The applicant is proposing 278 parking spaces and has indicated that more than the minimum are provided due to it being used as student housing. It is expected that each resident may have a vehicle, which results in a higher parking need than that addressed in the Land Development Code. A buffer will run along the perimeter of the north, south and west property lines to screen the property and proposed parking areas from the adjacent roads.

STAFF ANALYSIS

The staff analysis section of this report reviewed both the Comprehensive Plan amendment and Zoning application in conjunction with information from the Comprehensive Plan and Land Development Code. Staff analyzed various concerns, such as environmental issues, transportation impacts, density, compatibility, height, and other Comprehensive Plan considerations (including Estero-specific goals and policies).

In order to assist, staff has provided a summary of the project's advantages and disadvantages below. Following this section is more information on each of these issues described above.

Summary of Advantages and Disadvantages

Disadvantages:

- The request requires a modification to the Comprehensive Plan prior to the Village's preparation of its first Comprehensive Plan.
- Mixed use development, which is the type of project most desired for this area due to its Mixed Use Overlay land use designation, will be replaced with multi-family residential.
- The proposed text amendment could be applied to other properties, which could have potential negative impacts.
- The proposal is currently inconsistent with the Comprehensive Plan. (The applicant is seeking a text amendment to address that.)

Advantages:

- The addition of housing to support Florida Gulf Coast University is a specific policy within the Comprehensive Plan. This property is close to FGCU and adjacent to existing housing for college students.
- Although mixed use is desired, it was not required on this parcel. General commercial standalone uses could be developed which would not result in a true mixed use community.
- The proposed development of 60 multi-family dwelling units is much less traffic intensive than the currently zoned 46,200 square feet of commercial development.
- Approval of the residential use will eliminate some intensive commercial uses such as convenience stores and package stores, among others.

Pattern Book

The applicant has submitted the required Pattern Book for the proposed project. The overall architectural style of the proposed project is "Mediterranean" with clay tile roofs and textured stucco

wall and earth tone colors. Architectural details along with landscape and hardscape images are given. The Pattern Book indicates that there will be enhanced buffers along Three Oaks Parkway and Estero Parkway. The Pattern Book was recently revised to be more specific about the enhanced buffers and to include more details on fencing. The Pattern Book was presented to the Design Review Board on October 26, 2016 as requested by the Planning and Zoning Board.

Height and Density

Section 34-932 of the Land Development Code limits height in the Residential Planned Development districts to 45 feet. The proposed maximum height of this development will be 35 feet and three stories. The height is similar to that of the Reef Phase I, as well as the Estero Oaks multifamily project across Three Oaks Parkway to the west.

The Comprehensive Plan regulates the residential density. An amendment to the plan is required to obtain the requested density. The applicant is proposing to add Policy 19.3.4 to the Comprehensive Plan for the purpose of encouraging redevelopment of underutilized commercial lands by permitting residential use. The proposed Comprehensive Plan amendment will permit residential density on a commercial parcel of 5.5 acres in size or less, when combined and integrated with an adjacent residential planned development. The density of the resulting project could not exceed 8 units per acre.

Neighborhood Compatibility Issues

North and East of the proposed project is the Reef I. This development is a multifamily, three story project. The Reef I is similar in nature to the Reef II project. The Reef I development also provides multifamily, student housing no greater than three stories in height. The architecture, colors and design are intended to provide compatibility with the existing development. The density is also compatible. The density is somewhat higher on Reef II because Reef I contains the amenities (pool), stormwater management area, and other infrastructure necessary for the development of both parcels. The proposed Comprehensive Plan amendment relies on a blended density of the proposed and neighboring residential parcels.

The property to the west, across Three Oaks Parkway, (Estero Oaks) is a Mixed Planned Development with commercial outparcels and multifamily apartments. To the south is Estero Parkway.

The Master Concept Plan provides for parking surrounding the building. The parking is adjacent to Estero Parkway and Three Oaks Parkway. The applicant is proposing a buffer to conceal the proposed parking, however, staff has suggested that this buffer be enhanced to further obscure the parking areas from the adjacent rights-of-way. Additional materials and larger trees would screen the parking lot more effectively.

Environmental Issues

A site inspection was conducted on September 9, 2016. The site contains native vegetation intermixed with nuisance/exotic vegetation, a narrow manmade ditch of standing water, and wetland and upland habitat. No listed wildlife species were observed and due to adjacent development and the degree of

disturbance the site does not provide critical habitat to support listed wildlife species. The site contains less than two (2) acres of wetlands. No on-site mitigation or preserve area is proposed.

Pursuant to LDC Sec. 34-1493, density calculations are based on total gross residential acres less the wetland area. The applicant has identified 1.83 acres of jurisdictional wetland on the site but this is still under review by the SFWMD. Pending an approved wetland jurisdictional determination by the regulatory agencies density calculations should be considered preliminary.

The flood map indicates that the southern portion of the property falls within a floodway and will need to adhere to the criteria in LDC Sections 6-401, which applies to development in a flood hazard area and 10-253, regarding soil conditions in a flood hazard area.

The site plan has provided the required 40% open space as specified in LDC Sec. 10-415 through the common area, buffers and landscape areas as allowed Sec. 10-415(d)2.

There are impacts to wetlands, waterbodies, and native vegetation with the implementation of this project but there does not appear to be impacts to imperiled, also known as listed, species. The development will need to obtain a tree removal permit. The development will also need to obtain environmental resource permits for wetland impacts. An application to the SFWMD is currently under review for this site, application no. 160526-15. The District is reviewing the submitted wetland delineation line.

Pursuant to LDC Sec. 14-293(a) An Environmental Resource Permit (ERP) is required prior to any development that will impact wetlands. The ERP will be issued by the South Florida Water Management District (SFWMD) in accordance with state statutes. Prior to receipt of a copy of the appropriate state authorization relating to wetlands, the Village may not issue building permits or development orders where development will cause impacts to existing wetlands on the subject property.

Additionally, pursuant to LDC Sec. 14-294 the terms and conditions of all state authorizations relating to wetlands, including ERP's should be incorporated into any development order, building or other local development permit.

Transportation Issues

The Reef development will be served by the existing access connection to Three Oaks Parkway north of Estero Parkway. This entrance serves the existing Reef development and is restricted to right-in/right-out/left-in turning movements. The proposed development which includes 60 residential apartment units is less traffic intensive than the currently zoned 46,200 square feet of commercial development. The proposed residential development will generate 722 daily two way trips onto Three Oaks Parkway. The applicant's traffic impact statement evaluated the net trip generation of the approved existing land use compared to the proposed future land use after the rezoning. The net new trip generation analysis revealed that the proposed residential land use will generate 3,389 fewer daily two way trips than the commercial uses if built out as approved.

The applicant’s traffic statement provided an evaluation of the adjacent roadway links for the existing and future scenarios. The most directly accessed road segment is Three Oaks Parkway and the closest major intersection is Three Oaks Parkway and Estero Parkway. The following is the result of the road segment link analysis for existing and future conditions per traffic data provided in the Lee County 2015 Concurrency Report:

Roadway Link	Roadway Link Location	2015 Peak Hour Volume	2015 LOS	Future Peak Hour Volume	Future LOS
Estero Parkway	US 41 to Three Oaks Parkway	401	B	743	B
Estero Parkway	Three Oaks Parkway to Ben Hill Griffin Parkway	755	B	1,283	B
Three Oaks Parkway	San Carlos Boulevard to Coastal Village Entrance	993	B	1,570	B
Three Oaks Parkway	Coastal Village Entrance to Project Entrance	993	B	1,609	B
Three Oaks Parkway	Project Entrance to Estero Parkway	993	B	1,706	B
Three Oaks Parkway	Estero Parkway to Corkscrew Road	993	B	1,159	B

Note(s): Information taken from Traffic Impact Statement for The Reef Phase II Growth Management Plan Amendment (GMPA)- Rezone prepared by Trebilcock Consulting Solutions, PA dated 09/29/16

The above table indicates that these roadway links will all operate at an acceptable level of service at project buildout based on the Lee County 2015 Concurrency Report. In addition, the applicant provided a level of service analysis for Three Oaks Parkway based upon projecting the existing traffic volume to year 2021 using a 7.4% growth rate and adding the traffic from the existing Reef project, the 280 unit Estero Oaks development and the existing 7-11 convenience store on Estero Parkway. The analysis showed that Three Oaks Parkway will continue to operate at LOS=B through year 2021.

In summary, there is no level of service degradation of roads immediately impacted by this project, and less traffic is generated than the prior approved zoning. The Lee County MPO 2040 Long Range Transportation Plan includes a list of Needs Plan Road Projects which includes the widening of Corkscrew Road between US-41 and Ben Hill Griffin from 4 lanes to 6 lanes at some future date when funding becomes available.

Comprehensive Plan Considerations

The current Future Land Use designation is Urban Community. The Urban Community designation is intended for areas characterized by a mixture of relatively intense commercial and residential uses with future development in this category encouraged to be developed as a mixed-use where appropriate. Standard density ranges from one dwelling unit per acre (1 du/acre) to six dwelling units per acre (6 du/acre), with a maximum total density of ten dwelling units per acre (10 du/acre) only with “bonus” density. This property is also located in the Mixed-Use Overlay per the Comprehensive Plan. Sites within this overlay are locations desirable for mixed use located in close proximity to: public transit routes; education facilities; recreation

opportunities; and, existing residential, shopping and employment centers. Appropriate locations will have a positive impact on transportation facilities through increased transit service, internal trip capture, and reduced travel distance.

The applicant's request is to amend the Comprehensive Plan to permit Residential on Commercial property under certain conditions, specifically when commercial properties abut residential properties on two sides and are integrated with the residential project and are under common ownership or control. The reason for the Comprehensive Plan amendment is due to the increased density this project is requesting.

An evaluation of pertinent Comprehensive Plan Policies is below.

Objective 2.1 – Contiguous and compact growth patterns will be promoted through the rezoning process to contain urban sprawl, minimize energy costs, conserve land, water, and natural resources, minimize the cost of services, prevent development patterns where large tracts of land are by-passed in favor of development more distant from services and existing communities.

The proposed project includes 60 multi-family residential units. The Reef project is within an overall planned development, consisting of 168 existing multi-family dwelling units. The proposed zoning and Comprehensive Plan Amendment will allow the multi-family units to have a resultant density of less than 8 units per acre utilizing the subject property and the neighboring property's density.

Policy 4.2.1 – The County will maintain an overlay in the future land use map series identifying locations desirable for mixed use that are located in close proximity to: public transit routes; education facilities; recreation opportunities; and, existing residential, shopping and employment centers. Appropriate locations will have a positive impact on transportation facilities through increased transit service, internal trip capture, and reduced travel distance (preference will be given to locations serviced by multiple transit routes). An analysis showing the number of existing and potential residential units within the immediate and extended pedestrian shed (measured through connections and delineating pedestrian barriers) will be considered in identifying appropriate locations.

This site is within a Mixed-Use Overlay Land Use Category. However mixed-use is not required. The adjoining properties are all multi-family residential. The property to the south across Estero Parkway is approved for commercial. According to the applicant, there is a recorded conservation easement which would not permit the amount of development approved based on the Lee County Property Records. A 7-11 was recently developed to the west, adjacent to 280 multiple-family apartment units. Approval of residential will eliminate an opportunity for commercial mixed-use. However, based on the existing conditions, which have not been developed in a true mixed-use pattern, mixed-use may not be effective on this remaining in-fill parcel.

Policy 19.1.1: Support the unique character and quality of life within the Estero community by managing growth and development and by maintaining and executing Lee Plan policies, Land Development Code (LDC) regulations, and other planning tools that:

- a. *Implement and maintain commercial development standards for architecture, landscaping, buffering, signage, lighting designs and visual appearance of developments, transportation facilities, and other community amenities;*
- b. *Promote the use of low impact design, sustainable energy, water, and other environmental features;*
- c. *Establish higher density, mixed-use development within areas targeted on the Mixed-Use Overlay;*
- d. *Encourage the redevelopment and infill of underutilized commercial and residential lands; and*
- e. *Increase public participation in the land development approval process to ensure future development efforts support the Estero community plan and adopted Lee Plan policies and LDC standards.*

The applicant is proposing a design that meets the requirements for Mediterranean style and is intended to be consistent with the Reef I, which is a recently constructed multi-family development immediately east of the subject property. Staff is requesting additional buffering to further the goals of the community. The property is vacant commercial land and the request would result in a similar type of development to its adjoining properties, providing neighborhood compatibility. Although mixed-use is not proposed, the applicant is requesting a higher density.

Policy 19.3.2 – Florida Gulf Coast University housing needs. Meet the future residential and commercial needs of Florida Gulf Coast University by encouraging higher density residential developments, with a mix of unit types and design forms, including affordable housing and mixed-use centers, in close proximity to Florida Gulf Coast University. The development of such housing and mixed-use centers will consider the transitions between the adjacent residential neighborhoods, commercial centers, and park and recreational facilities.

The proposed project will be specifically to provide housing opportunities in the form of 60 multi-family dwelling units for Florida Gulf Coast University students and it will be incorporated into the existing Reef project.

Sign Deviation

The applicant has requested a deviation to locate a monument sign at the southwest corner of the project at Three Oaks Parkway and Estero Parkway. The deviation is from Land Development Code Section 30-152(2)b. The deviation is needed because the property does not have sufficient amount of frontage (2,000 linear feet) to permit the second sign without the deviation. There is an existing sign at The Reef's main entrance on Three Oaks Parkway which is shared between The Reef Phase I and Phase II.

The second sign will be designed to be consistent with the existing sign. The property across Three Oaks Parkway to the west (Estero Oaks) has a similar sign at the corner of its property which was approved by Lee County.

No other deviations have been requested with respect to size or setbacks, so the sign will need to comply with all other aspects of the Code.

No other deviations have been requested for this application.

Other Issues

- Because the proposed amendment to the Comprehensive Plan is a “text” amendment in lieu of a “map” amendment, there is a potential for this to affect other property in the Village. The applicant has analyzed how the potential amendment could be applied elsewhere in the Village. The applicant has further revised the text of the proposed Comprehensive Plan amendment subsequent to the Planning and Zoning Board meeting to further limit its applicability. The applicant reviewed other sites within the Village that could potentially benefit from this amendment by adding increased residential density to commercial properties. Based on the applicant’s analysis, the proposed amendment could potentially be applied to the following property:
 - Lee County CPD (3.67 acres at 20011 Three Oaks Parkway – adjacent to the Corlico Villages RPD).

The applicant proposed language so that it would not be site specific but would also not allow broad applicability to other sites. A rezoning would be required for other properties to utilize this policy so there would be an opportunity for public input and review by the Planning and Zoning Board and Village Council to provide further assurance that this would not have detrimental ramifications.

- Lee County Utilities has confirmed there is availability of water and wastewater services to support this project.
- The Estero Fire Rescue has indicated that they are capable of providing both fire suppression and Advanced Life Support non-transport emergency medical services to the property.
- The Lee County Sheriff’s Office has indicated the project would not affect the ability to provide core levels of service.
- The Lee County Solid Waste Division has confirmed they have capacity to provide solid waste collection for the project.
- The Florida Master Site File has no recorded cultural resources found on this property. There is also nothing of historic significance on this parcel.

PLANNING AND ZONING BOARD DISCUSSION AND RECOMMENDATIONS

The Planning and Zoning Board reviewed the Comprehensive Plan Amendment and Rezoning request at its meeting on October 11th. After discussion, the Board voted to recommend “transmittal” of the Comprehensive Plan Amendment to the State, recognizing that the text amendment language needed further clarification, and also recommended approval of the rezoning request with conditions (as further revised by Staff). They also requested the Design Review Board review the Pattern Book prior to the Council Meeting. The Design Review Board reviewed the document at its meeting on October

26th. The applicant recently proposed revised text amendment language to staff and met with staff on November 2nd to refine the proposed policy.

The motion was to transmit the Comprehensive Plan Amendment based on the policy language as discussed by the Planning and Zoning Board and as further modified by Staff. The motion was made by David Crawford, seconded by William Campos, and was unanimous (7-0).

A second motion was made to approve the rezoning with changes to conditions, as discussed by the Planning and Zoning Board, and to modify the Master Concept Plan to eliminate the reference to Phase I. The motion was made by Ned Dewhirst, seconded by David Crawford and was unanimous (7-0).

Conditions of approval are included in the draft Ordinance.

FINDINGS AND CONCLUSIONS

Based upon an analysis of the application and review of the Comprehensive Plan staff has proposed the following Findings of Fact for review:

1. The applicant has provided sufficient justification for the Comprehensive Plan Amendment by indicating the Goals, Objectives and Policies within the Comprehensive Plan that support this amendment.
2. The Amendment encourages contiguous, compact development.
3. A specific policy of the Comprehensive Plan is to provide housing for Florida Gulf Coast University.

If the Village Council adopts the proposed Comprehensive Plan Amendment, the rezoning application could be approved. The Comprehensive Plan Amendment must be adopted prior to the approval of the rezoning. Based upon an analysis of the application and the standards for approval in the Land Development Code, staff has proposed the following Findings of Fact for review:

1. The applicant has provided sufficient justification for the rezoning by demonstrating compliance with the Land Development Code.
2. The application is consistent with the standards in the Residential Planned Development district and compatible with existing or planned uses in the surrounding area.
3. Urban services will be available and adequate to serve the proposed use.
4. The proposed use, as conditioned, is appropriate at the subject location.
5. There will be additional trips generated by the project, but there will not be Level of Service issues and there will be fewer trips generated on the roadways than if developed under the existing commercial zoning.

6. The recommended conditions to the Master Concept Plan and rezoning provide sufficient safeguards to the public interest and are reasonably related to impacts on the public's interest created by or expected from the proposed development.

ATTACHMENTS

- A. Master Concept Plan
- B. Zoning Map
- C. Land Use Map
- D. Lee County Utilities Water and Wastewater Availability Letter
- E. Lee County School District Letter
- F. Estero Fire Rescue Letter
- G. Lee County Sheriff's Department Letter
- H. Lee County – Solid Waste Letter
- I. Zoning Resolutions
- J. Applicant's Pattern Book