



## VILLAGE OF ESTERO ZONING STAFF REPORT

**PROJECT NAME:** VIA COCONUT  
**CASE TYPE:** PLANNED DEVELOPMENT/REZONING  
**CASE NUMBER:** DCI 2014-00023  
**PLANNING & ZONING BOARD DATE:** AUGUST 23, 2016

### **REQUEST AND STAFF ANALYSIS**

*This rezoning request was initially heard by the Planning and Zoning Board on April 19, 2016, when the applicant presented an overview of the project. The staff requested the case be continued while Land Development Code Amendments for the Village Center were being prepared. This was necessary because the applicant's proposed project must comply with the new zoning district in order to be considered.*

*The case was continued again at staff's request for submittal of an improved Pattern Book which is required under the new Code. The applicant presented the Pattern Book at the Design Review Board meeting on June 28<sup>th</sup>. Based on input from the Design Review Board, the applicant made additional changes and has resubmitted revisions.*

*This staff report has been revised based on all the meetings and actions that have taken place since April. The staff report prepared for the April 19<sup>th</sup> Planning and Zoning Board meeting did not contain any recommendation, nor any evaluation of compliance with the Code because it was still being drafted. This staff report has been updated to provide such an evaluation.*

*The staff report was prepared with assistance from the Mellgren Planning Group who have been assisting the Village by reviewing the Village Center Comprehensive Plan Amendments, the Land Development Code Amendments that implement the Village Center, and pending rezoning applications under review.*

This is a revised request to rezone approximately 19.3 acres of land at the southwest corner of Via Coconut Point and Corkscrew Road from the Agricultural District (with a small portion of zoned Community Facilities) to a Planned Development for 297 multi-family units and 30,000 square feet of commercial use with a maximum building height of 45 feet. The applicant recently revised the request to add 0.78 acres that has AG-2, Agricultural, zoning.

This zoning case has a concurrent Comprehensive Plan Amendment to change its primarily Suburban land use category to a new land use category that currently does not exist (Via Coconut Urban Place, requested by the applicant), in order to achieve the density proposed which was not allowed under the land use category of the Comprehensive Plan or zoning in effect at the time of the application.

This property is in the "Village Center" area. A Village-initiated Comprehensive Plan Amendment was adopted by the Council on June 22, 2016 and is now effective. Under this new land use category, any proposed rezoning would be to the new zoning category of Estero Planned Development. Land Development Code Amendments establishing this zoning category were also

approved by the Council on June 22, 2016. The application has been reviewed under the new Village Center land use category and the new zoning category of Estero Planned Development, as requested by the applicant.

### **APPLICATION SUMMARY**

**Applicant:** Focus Development Group, LLC c/o Jeffrey A. Graef, Managing Member in reference to Via Coconut MPD.

**Request:** Originally the request was to amend the Future Land Use Map to create a new Future Land Use Category; and rezone 19.31 acres from Agricultural District, AG-2 and Community Facilities District, CF to Mixed-Use Planned Development, MPD to allow for development of up to 297 dwelling units and 30,000 square feet of commercial use. Maximum building height is 45 feet. The request is currently to permit the development under the Estero Planned Development Code.

**Location:** The subject property is located at the southwest corner of Corkscrew Road and Via Coconut Point, Village of Estero, FL. The applicant indicates there are numerous and varied STRAP numbers.

### **LAND USE CATEGORY**

Village Center.

### **PUBLIC INFORMATION MEETING**

The public information meeting for the Comprehensive Plan Amendment and Rezoning was held at the Planning and Zoning Board on August 25, 2015. The applicant additionally advises that it met with the Estero Community Planning Panel prior to that on February 16, 2015 and March 16, 2015.

### **ZONING HISTORY**

The subject property until the adoption of the Village Center Comprehensive Plan amendment and the adoption of the Estero Planned Development Code was zoned Agricultural District, AG-2 and Community Facilities District, CF. The AG-2 designation is the original zoning for the property. The CF zoning is found in the southern portion of the site adjacent to Via Coconut Point. This CF zoning was approved by Lee County as part of the rezoning of Estero Community Park from AG-2 and Residential Planned Development to Community Facilities District, CF-2, adopted in Resolution Z-03-067. CF-2 zoning was subsequently combined with the other CF districts into one district (CF) by Ordinance 14-13.

The AG-2 zoned lands within this application were a part of a larger parcel sought for rezoning filed in February, 2004. The application known as Estero Town Center (DCI2004-00008) sought rezoning of 39.39 acres from AG-2 and Commercial Planned Development (CPD) to allow the development of 150 multiple-family dwelling units; 300,000 square feet of commercial office/retail uses; 150 hotel/motel units; and a parking garage. The proposed maximum building height was 45 feet. This application was ultimately withdrawn in May, 2007.

### **SURROUNDING ZONING AND LAND USE**

To the north is Corkscrew Road. North of Corkscrew Road is vacant land zoned MPD. This is part of the Estero on the River MPD, approved in 2007. The immediate corner development tract of this MPD (northwest corner of Corkscrew Road and Sandy Lane) on the approved Master Concept Plan (MCP) was a 2.13 acre tract proposed with development intensity of 27,970 square

feet of retail and 32 multiple family dwelling units. North and west of that tract (between the railroad and Sandy Lane) is an 8-acre development tract noted as R-2. Within this tract the MCP shows a planned future train stop and 160 units consisting of townhouse, two-family attached, and multiple family dwelling units.

To the east is Via Coconut Point. Along the east side of Via Coconut Point (southeast corner of Via Coconut Point and Corkscrew Road) is land with agricultural crops and a produce stand that was recently rezoned to Estero Planned Development for the Genova project. There is also land to the east zoned Community Facilities District, CF zoning developed as Estero Community Park. A charter school is proposed on a small portion of this property.

Via Coconut Point is also found bordering the property to the south. South of Via Coconut Point is vacant AG-2 zoned land.

West of the subject property are AG-2 zoned single family lots located off of Happy Hollow Lane with an average lot size of 31,000 to 32,000 square feet. Further south, the property abuts the railroad right-of-way. West of the railroad is vacant MPD zoned property. This property is the North Point Development of Regional Impact (DRI), a mixed-use development approved for retail, office, hotel/motel, and multiple family residential. The North Point property is currently the subject of applications seeking to amend the DRI and planned development zoning approvals to increase residential units and decrease retail.

### **PROJECT DESCRIPTION AND MASTER CONCEPT PLAN**

The applicant is requesting approval to allow a residential multi-family development of 297 units on a site that is now 19.3 acres in size (approximately 15.38 units per acre, counting commercial and residential land under the new code). Also requested is 30,000 square feet of commercial use. This density and intensity was not allowed under the prior land use or zoning, but could be allowed with the new Village Center category, if approved by the Council, subject to the criteria in the Land Development Code.

The site itself is long and narrow, bordering Corkscrew Road on the north and running along Via Coconut Point and is bordered on the west by the railroad tracks and a small residential area. The property has been described by the applicant as “banjo” shaped.

The Master Concept Plan shows the area at the corner of Corkscrew Road and Via Coconut Point as commercial use of 2 acres with 22,000 square feet. Development south of this area is predominantly residential, with the exception of an area mid-way through the property around the “traffic oval” (similar to a roundabout but oval-shaped). This area is noted as an area where mixed-use may occur, with commercial uses on the ground floor and residential above. A maximum of 8,000 square feet is proposed. The applicant indicates that this could also be a community amenity area or other nonresidential use.

The traffic oval is shown potentially connecting Via Coconut Point with the North Point property to the west, across the railroad tracks.

Multi-family buildings and parking lots are interspersed throughout the development. Maximum height of commercial and residential buildings is 3 stories or 45 feet. The access to the site is from 4 access points off Via Coconut Point. The northernmost and southernmost accesses are limited to right-in, right-out. Potential future interconnections are shown to the North Point property on the west and to the single family area to the west near Corkscrew Road (Happy Hollow Lane) in the event this western property is redeveloped at some future time.

## **STAFF ANALYSIS**

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

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

### **Summary of Project Advantages and Disadvantages**

#### Advantages:

- This project would provide interconnection opportunities to the west
- The majority of buildings are located close to Via Coconut with parking to the rear
- Commercial and residential uses are depicted on the site plan
- A traffic "oval" is shown on the site plan with potential for mixed-use, civic space and an outdoor gathering place that is centrally located
- The project will not create any "concurrency" impacts on roads or other services

#### Disadvantages:

- This project will add nearly 3,000 new trips per day to the road (Via Coconut Point)
- The proposal is inconsistent with the Comprehensive Plan, especially the Village Center land use category
- The proposal is inconsistent with applicable zoning regulations, especially the Estero PD zoning district regulations
- Should the project be changed to be consistent with applicable zoning regulations, the result may be a site plan that is not consistent with the conceptual plan being considered with the subject rezoning request
- A broad list of commercial uses is requested
- There is a notation on the site plan that may not result in mixed-use at the traffic oval location
- The project design is not sufficiently integrated between the commercial and residential area. This is explained in more detail later in the report.

### **Environmental Issues**

Lee County Environmental Staff reviewed this project. The memo is attached. Lee County Staff reviewed the site pertaining to landscaping, open space and protected species.

In summary, staff finds the existing site is disturbed and over the years has been used for agricultural purposes and currently has an agricultural exemption (affidavit provided by applicant attached).

A protected species survey was conducted and revealed one active gopher tortoise on the site. During a staff site visit conducted on January 9, 2015, no listed species were found. Since the site was used for agricultural purposes, the tortoise may have been displaced.

Land Development Code (LDC) 34-935(g)(5) states Mixed Use Planned Developments (MPD) must provide the amount of applicable open space set forth in sections LDC 34-935(g)(1-4). The proposal is to develop a mix of commercial and residential. The commercial portion of the development (2.03 ac) must provide 30 percent open space and the residential portion of the development (now 17.28 ac) must provide 40 percent open space. The Master Concept Plan (MCP) provides the breakdown of open space required and provided, and if approved a condition has been recommended regarding open space. This will result in 7.29 acres of open space for the residential portion and .65 acres for the commercial portion of the site.

The buffers comply with Chapter 33 of the Code, except for a requested deviation. The applicant has requested a deviation, Deviation 2, from the requirement to provide a specific buffer when roads, drives, or parking areas are located less than 125 feet from an existing single-family residential subdivision or single-family residential lots. If this deviation is granted then a condition is recommended for a 20 foot wide Type F buffer with an 8-foot high wall set back 20 feet from the property line.

It should be noted that a letter was received from the railroad (CSX) requesting a 50 foot buffer (see attached).

### **Density, Compatibility, and Height**

The applicant is requesting 297 multi-family apartment units which is a density of 15.38 units per gross acre. This density is approximately 2 ½ times the 6 unit per acre maximum for the prior Suburban land use category, but can be considered for increased density in the Village Center land use category subject to meeting specific criteria of the Code. The requested density would need to be a Tier 3 level, which could allow up to 20 units per acre.

The applicant has offered items such as enhanced streetscape and road interconnections to qualify as "Tier 3". The applicant has additionally proposed a traffic "oval" which will contain public open space and areas for potential civic space or mixed-use. The mixed-use aspect is offered to help qualify this as a Tier 3 project as well. The specific incentive offerings will be delineated in a further section of this report.

While the density requested by the applicant is possibly higher than most projects in the Village, this area may be appropriate for consideration of higher density if properly designed, given its location along Corkscrew Road and sandwiched between the railroad tracks and the Via Coconut Point roadway.

There is a buffer and wall proposed between the commercial use on Corkscrew Road and the single-family homes on Happy Hollow Lane, a transitional type area.

The proposed Genova project across Via Coconut Point, was recently approved for a density of approximately 12 units per acre. This project is a higher density than that proposed for Genova.

The height is proposed to be 45 feet or 3 stories maximum, for both the residential and commercial uses.

### **Transportation Issues**

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

while the other two connections to Via Coconut Point will have full access. One of these full access intersections is shared with the proposed Genova project on the east side of Via Coconut Point. Via Coconut Point is currently a county-maintained collector road.

The application to permit a maximum commercial intensity of 30,000 square feet and a maximum of 297 multi-family residential units will result in 2,919 net new daily trips. All of these trips will utilize Via Coconut Point to enter and exit the project.

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

The intersection of Via Coconut Point with Corkscrew Road and the other Via Coconut Point south site access intersections were also analyzed in the applicant's traffic study. The applicant determined that all of the aforementioned intersection approaches operate at an acceptable level of service under both existing and full build-out conditions. (The Genova traffic study also analyzed the shared intersection with the combined project's traffic and it showed no operational issues). New turn lanes or modifications to existing turn lanes may be required to accommodate higher levels of turning traffic. At the time of local development order review, the intersections will be further evaluated to determine what site-related traffic improvements are required to accommodate the proposed development.

Since all of the subject project traffic will utilize Via Coconut Point, that facility should be analyzed using a worst case scenario. Village staff noted that, in the applicant's Level of Service (LOS) analysis, some of the assumptions were modest. Staff conducted an independent LOS analysis using a growth rate of 4% for Via Coconut Point (the applicant used 1.92% based on the 2007-2010 traffic levels). Staff indexed the growth factor from 2010 (the latest date counts were made) rather than from 2012 used by the applicant. The more conservative Generalized Peak Hour Directional Service Volumes were also utilized (rather than the Link Specific Service Volumes). Staff utilized the calculated total Peak Hour, Peak Season, Peak Direction (100<sup>th</sup> Highest Hour) Volume which was then assigned to the Via Coconut Road link. Utilizing these assumptions, LOS analyses were developed for the project for year 2016 and for the anticipated build-out date of year 2020. The current Level of Service with the background traffic indexed as previously noted, with no project traffic added, is LOS = C. The 2016 LOS with the 100<sup>th</sup> highest hour project traffic added is LOS = C. The 2020 LOS with the background traffic indexed to that date with the 100<sup>th</sup> highest hour traffic added is LOS = C.

Since the Genova project was recently rezoned and virtually all of that project's traffic (except a minor volume that will exit only to Corkscrew Road westbound) will impact Via Coconut Point, additional LOS analyses were conducted for year 2016 and year 2020 with the combined traffic (combined 100<sup>th</sup> highest hour volume of 139 vph [92 vph from this project and 47 vph from Genova]). The year 2016 LOS with the combined traffic from both projects is LOS = C. The LOS for year 2020 with the combined traffic from both projects is LOS = C.

In summary, while there will be additional trips on the road, neither the traffic from this project nor the combined traffic from this project as well as the Genova project will result in a technical degradation of the LOS on Via Coconut Point which will handle all of the traffic from this specific project.

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

### **Comprehensive Plan Considerations**

The Village Center land use category contains a number of objectives and policies. The proposed development, however, does not comply with the following two key policies, as shown below.

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

***Staff Analysis:*** The proposed development does not meet policy 1.1.12 because it does not provide mixed-use development as envisioned by the Comprehensive Plan. The term “mixed-use” is defined in the Comprehensive Plan, and requires integration of uses within a development by requiring the mix of uses to be contained in the same building or “grouped together in cohesive neighboring buildings with limited separation.” The proposed development features only two out of fifteen buildings that are mixed use. The preponderance of the development, however, features a commercial area that is separate and isolated from the residential development, providing no cohesion between buildings and uses.

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

***Staff Analysis:*** The applicant is requesting approval to build as a Tier 3 project in the Estero Planned Development District, to take advantage of increased density that it offers. The proposed development, however, does not meet the standards of this district, because mixed-use, as defined in the Comprehensive Plan, is not proposed. Rather, development is proposed to occur in three distinct areas. A mix of uses is not proposed to be grouped together in cohesive neighboring buildings with limited separation, as required by the Comprehensive Plan.

### **Compliance with Estero Planned Development Zoning District**

#### **Purpose and Intent**

Ordinance 2016-07 adopts amendments to Chapter 33 and 34 of the Land Development Code. Chapter 33 is entitled Estero Community Regulations, and contains six (6) divisions. Division 1 indicates the purpose and intent of the established regulations: to encourage mixed-use developments, interconnectivity, pedestrian activity, and to achieve and maintain a unique, unified and pleasing aesthetic/visual quality in architecture, landscape architecture, site planning, and signage throughout Estero. As a Tier 3 development, Via Coconut must be analyzed under this general intent and also under the established Tier 3 general standards (Sec. 33-515).

The overarching intent of Tier 3 is to promote more thoughtfully designed developments that achieve an increasingly complex urban character. Tier 3 builds upon the requirements of Tier 1 and Tier 2 developments and requires both a greater mix of uses and more engaging gathering spaces. Described as a mixed-use neighborhood, the emphasis of a Tier 3 development is focused on quality public spaces and developing “third places”. Third places are social environments outside of home and work that promote interaction, gathering, and public engagement. Successful third places are designed with intentionality. These spaces are the product of best-practice design methods and emphasize the human scale through definition of space and the appropriate use of scale.

### Rezoning Criteria

The Estero Planned Development zoning district (EPD) is described in Division 5 of the Estero Community Regulations. Section 33-502 establishes the rezoning criteria for Tier 1-4 developments. Via Coconut is seeking a rezoning to Tier 3, and must comply with the standards outlined as follows:

The EPD seeks to create socially vital centers supportive of businesses both big and small, neighborhoods and streets that are safe and attractive for walking and bicycling, the preservation of community history, and the protection of the environment, particularly along the Estero River.

The provisions of the land development code implementing the Estero PD district are designed as reasonable standards to foster predictable built results and higher quality public spaces by using physical form (rather than separation of uses) as the organizing principle for achieving the goals and objectives set forth in the comprehensive plan relating to the Village Center Area. The standards designate the requirements for the required pattern books. The locations where different building form standards apply, the relationship of buildings to the public space, public standards for such elements in the public space as sidewalks, bicycle lanes, automobile travel lanes, on-street parking, street trees, street furniture and other aspects of the urban built environment that may be applicable to foster interconnection, social vitality, and walkability in the Village Center Area.

Applications for rezoning are performance based and must achieve the following:

- Ensure public space is accessible both physically and socially
- Ensure public space is connected and walkable
- Emphasize the human scale over the automobile
- Balance private property interests and property rights with public goals
- Ensure all streets are part of a connected, continuous street network that encourages mixing of uses
- Ensure street design favors pedestrians
- Ensure street design calms traffic and protects pedestrians
- Create a network of local streets with a variety of lots and blocks
- Define the visual edge of public streets via sidewalks, setbacks, and building facades
- Include architectural variety and unique design approaches
- Ensure adjacent buildings and public spaces share similar characteristics
- Ensure building design and construction is cognizant of SW Florida’s unique climate

### Findings

Staff has completed a thorough analysis of the proposed development, and finds the submission does not satisfy the rezoning criteria for Tier 3 developments. This finding is based on the overall

development standards found in Chapter 33 Estero Community Regulations and specifically, the criteria established in Sec. 33-502. The conceptual plan contained in the Via Coconut Pattern Book depicts a site layout that, among other things, is suburban, not urban in design; includes commercial and residential uses that do not create a mixed use development pattern; creates a vehicular and not pedestrian oriented development; and provides open spaces that do not function to create a community focus. As a result, Staff recommends denial of the rezoning request. The following sections provide an analysis of the submitted Via Coconut Pattern Book.

### Analysis

This project fails to meet the basic intent of the EPD district generally and the Tier 3 standards specifically. Tier 3, which is the second most intense level of development in the EPD, envisions an urban level of development featuring extensive pedestrian --- rather than chiefly vehicular --- activity, with a preponderance of vertical mixed use as observed in an urban form, rather than a linear mix of uses found in more suburban areas. The proposed development, however, incorporates vertical mixed-use development into only 2 of the 15 buildings. Furthermore, the proposed development shows no relationship between the single-use commercial buildings and the remaining development, resulting in a collection of uses that cannot be considered complementary to one another or grouped together in cohesive neighboring buildings with limited separation, unified form and strong pedestrian interconnections to create a seamless appearance. The commercial buildings fail to address the remaining buildings completely. The single-use commercial buildings on the north provide no locational or architectural references to the remaining development. They are isolated from the primary development and do not incorporate a meaningful connection either physically or contextually.

As currently designed, the subject development reads as three distinct portions; the single-use commercial buildings, the mixed-use center and the single-use apartment buildings. Each of these areas has a very different character and quality to them, but the applicant has failed to provide a nexus between the three portions, making the development incoherent and disjointed. The presence of multiple access-control gates furthers the disjointedness, and further divides the development into three distinct portions.



Pedestrian activity primarily occurs along Via Coconut Point, which is on the external edge of the site. Overall, the site plan emphasizes vehicular networks over pedestrian networks. The development is dominated by surface parking lots in a typical suburban layout, and not only provides no pedestrian experience, but functions to interrupt any pedestrian activity. Ultimately, the development does not create a demand for pedestrian activity as envisioned by Tier 3.

The EPD policies were established to promote unique and unified aesthetics, architecture, landscape architecture and site planning throughout the Village Center. The proposed Via Coconut development is neither unique nor unified with its surrounding development. The only

level of architectural quality is found framing the oval green space. The remaining development, particularly the single-use commercial, is of unremarkable design and does not mirror the level of architectural embellishment and adornment of the 2 out of 15 mixed-use buildings. Additionally, the subject development does not relate to the recently approved Genova project in site plan or architectural quality. Genova, as a Tier 2 project, incorporated a much higher level of creativity and thoughtful design into its site plan and elevations.

Tier 3 envisions third places framing active and engaging open space. However, the applicant has indicated doubts regarding the viability of the Village Green commercial spaces. Tier 3 requires one-half of all commercial development to be designed to accommodate restaurants. The applicant has not included information relating to this capacity. Any remaining commercial space is encouraged to be designed for businesses that promote public gathering and social vitality.

Based on the applicant's concern regarding leasing the commercial spaces, it is unclear if the Village Green will actually function as the envisioned open space. Commercial spaces rely heavily on location, and the Village Green is located mid-block, substantially set back from the primary road. These factors heavily affect the viability of the mixed-use center and, as a result, the location of these Village Green buildings makes it questionable that the commercial spaces will be successful.

Furthermore, the Via Coconut open space lacks a unifying network between the individual elements and does not provide adequate programming of most spaces. The Village Green is the most activated space, but was initially planned as passive lawn area. Best-practice design methods encourage open space to be dedicated and planned before designing buildings. This ensures that buildings frame the open space networks and respond to the pedestrian environment, rather than dictating it.

The applicant resubmitted the Pattern Book and added a pergola and seating options; however, the connection to the surrounding buildings remains weak. Gathering spaces in Tier 3 must be designed for the benefit of the larger public, not solely neighborhood residents. As designed, the open space does not create a substantial attraction, and the location (in the middle of a traffic circle) does not lend itself to the proposed uses of sitting and relaxing. It appears unlikely that this space will be frequently used by residents, let alone serve as an attractive open space for visitors.

In addition to the Tier 3 criteria, Chapter 33 references design standards found in Sec.33-100 of the Land Development Code. The design standards included in this division are intended to create a distinguished architectural style and appearance within Estero. The standards provide design criteria intended to stimulate creative project designs, while fostering compatibility with surrounding developments. These development provisions are intended to create an integral distinct community image, one that will enhance, unify and harmonize properties throughout Estero. These include, but are not limited to:

- Waterbody location and configuration
- Overall site design standards
- Public area activities
- Landscaping and hardscaping
- Parking area design
- Location and treatment of service areas
- Location and treatment of lighting
- Interconnections and shared access

- Architecture design, style and linkages
- Transit facilitation

The details of the proposed development design must be addressed at the site plan level. It is noted, however, that the conceptual plans provided in the Pattern Book suggest that a number of these standards may not be met. This may result, therefore, in a site plan that is not consistent with the conceptual plan contained in the Pattern Book, which is being considered in the evaluation of this rezoning request.

In summary, the proposed Via Coconut does not meet the purpose and intent of the Estero Planned Development district as articulated in Sec. 33-51 of the adopted regulations. Additionally, the proposed development, including the incentive offerings, fails to meet the general intent and purpose of a Tier 3 development. Therefore, the incentive offerings shall not be considered as additional offers. The summation of these deficits results in an overall Staff recommendation for denial of the rezoning request to a Tier 3 zoning district.

### **Other Services and Issues**

#### **FEMA Floodway**

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

#### **Historic Resources**

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

#### **Natural Resources**

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

#### **Transit Services**

The development is not directly served by Lee County Transit. In a letter dated August 11, 2014, LeeTran staff stated that currently, the LeeTran route closest to the subject property is Route 240, which runs along US-41 from Coconut Point Mall to Bell Tower Shops. The subject property does not lie within the quarter-mile service area for fixed routes. It is within the three-quarter mile service area for Paratransit service. The Transit Development Plan recognizes the need for services adjacent to the subject property during the 10-year planning horizon but the identified service is listed as unfunded.

#### **Emergency Medical Services (EMS)**

The closest EMS unit is located at the Estero Fire Station on Three Oaks Parkway. In a letter dated August 15, 2014, EMS staff stated that the primary ambulance for the subject property is Medic 21 and that there are two other locations within 5 miles of the subject property. All three locations are projected to meet service standards and that service availability for the proposed development is adequate at this time.

#### **Police Services**

The property is within the Delta District of the Lee County Sheriff's with an office on Bonita Beach Road in the Springs Plaza. In a letter dated August 12, 2014, Lee County Sheriff's Office staff

stated that the proposed development does not affect their ability to provide core services at this time.

#### Fire Services

In a letter dated August 7, 2014, Estero Fire Rescue staff stated that they are capable of providing fire protection and advanced life support/non transport services for the subject property. The closest fire station is located on Sweetwater Ranch Boulevard.

#### School District

In a letter dated August 8, 2014, School District staff stated that the School District currently has sufficient capacity to serve the estimated 30 additional school age children that would be generated by the proposed development.

#### Solid Waste

In a letter dated August 7, 2014, the solid waste service provider for the subject property stated that there is sufficient capacity to accommodate the proposed development.

#### Utility Services

Potable water and sanitary sewer lines are in operation adjacent to the property, with potable water provided through Lee County Utilities via the Pinewood Water Treatment Plant and sanitary sewer service provided by the Three Oaks Wastewater Treatment Plant.

#### Deviations

The applicant has requested three deviations from the Land Development Code. The applicant's Schedule of Deviations and Justifications are attached along with additional information.

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

Staff Comments: The applicant has requested this deviation for the traffic oval area, which is to be surrounded by mixed use. The roadway around the oval is designed to carry one-way traffic in one 18-foot wide lane (required for 60-degree angled parking per Land Development Code §34-216). The parking spaces are 60-degree angled spaces.

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

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

Angled parking can be permitted on streets and/or roadways provided that a proper and documented traffic engineering study is performed. An engineering study would be provided at

time of development order to determine final geometry, dimensions, signage and marking in coordination with Village staff.

**Deviation (2)** seeks relief from

- Section 10-416(d)(6) which requires a solid wall or combination berm and solid wall not less than eight feet height to be constructed not less than 25 feet from abutting property and landscaped (between the wall and the abutting property) with a minimum five trees and 18 shrubs per 100 lineal feet; or a 30-foot wide Type F buffer with the hedge planted a minimum of 20 feet from the abutting property line where roads, drives or parking areas are located less than 125 feet from existing single family residential lots; and
- 10-416(d)(7) which requires a Type C or F buffer for uses or activities that generate noise;

to allow a buffer consisting of Type F buffer plantings in a 15 to 20 feet wide planting area, supplemented with an 8 foot wall or 8 foot wall and berm combination, as depicted on the MCP where commercial areas abut three single family residences.

Staff Comments: Information provided by the applicant indicates that this deviation would apply to the north end of the property where the proposed commercial development abuts three single-family homes on Happy Hollow Lane. The wall and berm would remain at the same required height of 8 feet, but the required plantings would be in a 20 foot area instead of the required 25 foot width.

**Deviation (3)** has been revised by the applicant. It is a request for relief from Section 34-2020(a) which requires a minimum of 2 parking spaces per multifamily unit to allow parking to be calculated at 1.5 spaces per one-bedroom multifamily unit, for up to a maximum of 140 one-bedroom units.

Staff Comments: The applicant has provided additional information for this parking deviation. After review of this information, staff does not recommend approval of the request. The applicant has not demonstrated how this deviation would “enhance” the development as required by the code. The applicant should describe any design constraints that would limit the ability to construct the required amount of parking. Additionally, the site plan should be laid out with the required parking shown, then compared to the site plan with the reduced parking, to evaluate the impacts and enhancement provided by the reduced parking.

### **Findings and Conclusions**

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

Additionally, the approval process for rezonings in the Estero Planned Development Zoning District requires a “Village Determination”, which shall be set out in writing by the Village as a part of its decision to rezone property to the Estero PD district or within such Estero PD district to a higher Tier.

Example findings are included below for informational purposes, should the Planning and Zoning Board disagree with staff and desire to recommend approval of the application. These can be adjusted depending on the recommendation.

- a) The applicant qualifies for rezoning by demonstrating compliance with the Comprehensive Plan for the Village Center, the Land Development Code, and other applicable codes and regulations.
- b) The requested rezoning is consistent with the densities, intensities and general uses set forth in the Estero Comprehensive Plan.
- c) The request as conditioned, is compatible with existing or planned uses in the surrounding area.
- d) Approval of the request will increase traffic but not place an undue burden upon existing transportation or planned infrastructure facilities and will be served by streets with the capacity to carry traffic generated by the development.
- e) The request will not adversely affect environmentally critical area and natural resources.
- f) Urban services, as defined in the Comprehensive Plan, are, or will be, available and adequate to serve the proposed land use.
- g) The proposed use, as conditioned, is appropriate at the subject location.
- h) The recommended conditions to the Master Concept Plan and other applicable regulations provide sufficient safeguards to the public interest.
- i) The recommended conditions are reasonably related to the impacts on the public's interest created by or expected from the proposed development.
- j) The deviations recommended for approval:
  - 1) Enhance the planned development; and
  - 2) Preserve and promote the general intent of the LDC to protect the public health, safety and welfare
- k) In accordance with Section 33-518(b) of the Land Development Code, the Village has determined that the applicant's incentive offers:
  - (1) (meet)(do not meet) the goals and objectives of the comprehensive plan.
  - (2) (meet)(do not meet) the General Criteria under Sec. 33-502, and
  - (3) (create)(do not create) significant public benefit commensurate with the value of such incentive offers to the Village, and the appropriateness of such incentive offers to the applicable Tier and to the particular development plan.
- l) The project (meets)(does not meet) the standards for a Tier 3 density, based on the criteria in the Code.

**ATTACHMENTS:**

- A. Maps
  - Zoning
  - Aerial
  - Map A Village Center Area (Resolution 2015-22)
- B. Master Concept Plan Stamped Received July 22, 2016 (last revised 04/2016)
- C. Village Center Comprehensive Plan Amendment Staff Report
- D. Village Center Comprehensive Plan Amendments CPA 2016-01
- E. Minutes from Estero Public Information Meeting at Planning and Zoning Board dated August 25, 2015
- F. Estero Community Planning Panel Minutes of February 16, 2015 and March 16, 2015
- G. Zoning Resolution Z-03-067
- H. CSX Railroad Letter
- I. Lee County Environmental Comments
- J. Lee County DOT Comments
- K. Lee County Development Services – TIS Comments
- L. School District of Lee County Comments
- M. Land Development Code Amendments
- N. Applicant Submitted Materials