VILLAGE OF ESTERO
ZONING STAFF REPORT

PROJECT NAME:	**VIA COCONUT**
CASE TYPE:	**PLANNED DEVELOPMENT/REZONING**
CASE NUMBER:	**DCI 2014-00023**
PLANNING & ZONING BOARD DATE:	**APRIL 19, 2016 and JUNE 21, 2016**

REQUEST AND STAFF ANALYSIS

This rezoning request was continued by the Planning and Zoning Board while the Land Development Code Amendments for the Village Center were being prepared. This was necessary because the project must comply with the new zoning district in order to be considered for approval. Staff is recommending that this case be continued further in order for the applicant to submit an improved Pattern Book for review that complies with the code amendments. The revised staff report needs to address compliance with the new code which is scheduled for second reading and adoption by the Village Council on June 22, 2016. Because high quality design and architecture are of great importance to the Village, and particularly in the Village Center area, this issue needs to be further addressed and clarified. The staff report addresses this more specifically below.

This is a revised request to rezone approximately 19.3 acres of land at the southeast corner of Via Coconut Point and Corkscrew Road from the Agricultural District (with a small portion of Community Facilities) to a Mixed-Use 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 revised the request to add a small parcel of property.

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 is not allowed under the existing land use category of the Comprehensive Plan or zoning.

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

If the Village's proposed Comprehensive Plan amendments are adopted and the Land Development Code amendments for the Village Center are adopted, both of which are in process for adoption at second reading, then the proposed project could be considered under these rules.

APPLICATION SUMMARY

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

Request: 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.

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

Suburban with a small area of Public Facilities (a Village-initiated change to Village Center is pending).

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 is currently 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 AG-2 and CPD zoning with agricultural crops and a produce stand. There is also land zoned Community Facilities District, CF zoning developed as Estero Community Park. The AG-2 and CPD zoned land is the subject of applications to amend the Comprehensive Plan future land use designation, amend the planned development zoning, vacate right-of-way, and rezone to Residential Planned Development (RPD) zoning for a project named Genova.

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 a rezoning from the Agricultural District to Mixed Planned Development and a Comprehensive Plan Amendment to allow a residential multi-family development of 297 units on a site that is now 19.3 acres in size (approximately 17.3 gross units per acre). Also requested is 30,000 square feet of commercial use. This density and intensity is not allowed under the current 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.

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 currently inconsistent with the Comprehensive Plan and zoning
- 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 architectural renderings submitted do not match the photographs submitted and are not sufficiently integrated between the commercial and residential area. The architecture for the majority of multi-family buildings and commercial is insufficient in detail to assure it will be an attractive high quality project. The renderings do not match the design, style or quality of the buildings in the traffic oval area.

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% open space and the residential portion of the development (16.5 ac) must provide 40% open space. The Master Concept Plan (MCP) provides the breakdown of open space required and provided, and if approved a condition has been recommended regarding open space. This will result in 6.6 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' 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 approximately 17.3 gross units per acre (slightly over 15 units net of commercial use). This density is nearly triple the 6 unit per acre maximum for the existing Suburban land use category, but can be considered for increased density in the Village Center land use category subject to meeting specific criteria, if that category is finally adopted. 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 could 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 could be appropriate for consideration of higher density if properly designed, given its location along Corkscrew Road and sandwiched between the railroad tracks and Via Coconut Point Road.

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, if approved, would have a density of approximately 12 units per acre. This project is higher density than that proposed for Genova.

The height is proposed to be 45 feet or 3 stories maximum, for 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 rezone the site from agricultural (AG-2) to mixed-use planned development (MPD) 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 (100th Highest Hour) Volume which was then assigned to the Via Coconut Road link. Utilizing these assumptions, LOS analyses were developed for the project for year 2016 and for the anticipated build-out date of year 2020. The current Level of Service with the background traffic indexed as previously noted, with no project traffic added, is LOS = C. The 2016 LOS with the 100th highest hour project traffic added is LOS = C. The 2020 LOS with the background traffic indexed to that date with the 100th highest hour traffic added is LOS = C.

Since the Genova project is currently seeking zoning approval 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 100th 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 degradation of the LOS on Via Coconut Point which will handle all of the traffic from this specific project.

Questions also arise relative to the potential impact of new projects on Corkscrew Road, particularly in the vicinity of the I-75 interchange. Due to the dissipation of traffic along Corkscrew Road at River Ranch Road and Three Oaks Parkway as well as destinations along the route, very few peak hour trips will reach the I-75 interchange resulting in minimal impacts.

Comprehensive Plan Considerations

As of the preparation of this report, the property is currently designated as Suburban with a small piece of Public Facilities (a remainder parcel from the park) on the Future Land Use Map of the Comprehensive Plan. As noted previously, there is a concurrent Comprehensive Plan Amendment filed with this zoning case, seeking to change the Future Land Use category from Suburban and Public Facilities to a new category named Via Coconut Urban Place. There is also a Village-initiated Comprehensive Plan Amendment to "Village Center" which was transmitted to the state on March 30th and is scheduled for second reading on June 22. The staff report for the Village Center Comprehensive Plan Amendment, and the amendment language are both attached.

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

> ***POLICY 1.1.5:*** *The Suburban areas are or will be predominantly residential areas that are either on the fringe of the Central Urban or Urban Community areas or in areas where it is appropriate to protect existing or emerging residential neighborhoods. These areas provide housing near the more urban areas but do not provide the full mix of land uses typical of urban areas. The standard residential densities are the same as the Urban Community category. Higher densities, commercial development greater than neighborhood centers, and industrial land uses are not permitted. Bonus densities are not allowed. (Amended by Ordinance No. 94-30)*
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> ***POLICY 1.1.8:*** *The Public Facilities areas include the publicly owned lands within the county such as public schools, parks, airports, public transportation, and other governmental facilities. The allowable uses within these areas are determined by the entity owning each such parcel and the local government having zoning and permitting jurisdiction. (Amended by Ordinance No. 10- 10)*

This category is intended for primarily residential use with a maximum density of 6 units an acre. Under this category, the property could be developed with approximately 99 units.

The proposed new category of Village Center that was transmitted to the state on March 30th is defined below:

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

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

> ***OBJECTIVE 19.8: VILLAGE CENTER.*** *Improve the quality of life for Estero's residents and visitors by providing additional housing and neighborhood types and more diverse economic activity in the heart of Estero.*
>
> ***POLICY 19.8.1:*** *This comprehensive plan includes a Village Center category on the future land use map (also referred to as the "Village Center Area") which encourages higher densities and*

intensities of housing, employment, shopping, recreation, and civic uses in a series of interconnected neighborhoods and mixed-use areas. Policy 1.1.12 allows landowners in the Village Center Area to develop within the standard density range and other requirements of the Urban Community category; however the Village of Estero encourages land to be developed or redeveloped with a greater mix of uses and higher densities when placed in walkable mixed-use patterns. The glossary defines 'density', 'mixed-use', 'walkable', and 'mixed-use pattern'. The specific goals of the Village Center Area include creating socially vital centers supportive of business both big and small, neighborhoods and streets that are safe and attractive for walking and bicycling, the preservation of community history, and the protection of the environment, particularly along the Estero River.

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

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

POLICY 19.8.3: *The Land Development Code provisions that will implement the objective and policies set forth in this Objective 19.8 shall consider such reasonable guidelines as are necessary in order to foster predictable built results and higher quality public spaces by using physical form (rather than separation of uses) as the organizing principle for achieving such objectives. Such guidelines may consider designating locations where different building form standards apply, the relationship of buildings to the public space, public standards for such elements in the public space as sidewalks, travel lanes, on-street parking, street trees, street furniture, and other aspects of the urban built environment that may be applicable to foster interconnection, social vitality and walkability in the Village Center Area. The Land Development Code provisions may also consider other alternative types of reasonable guidelines that may accomplish such goals in a different or complementary manner.*

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

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

b. *Tier 2 accommodates residential neighborhoods with higher densities and a potential for a greater variety of housing types, as well as mixed-use neighborhoods with higher levels of non-residential uses, and, in each case, greater connectivity than Tier 1.*

c. *Tier 3 accommodates mixed-use neighborhoods with similar attributes as Tier 2 but with higher levels of non-residential uses as well.*

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

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

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

a. *Tier 1: Base level is up to 6 dwelling units per acre of Tier 1-only land plus up to 3 additional dwelling units per acre of Tier 1-only land after consideration of accepted incentive offers, for a maximum of 9 dwelling units per acre of Tier 1-only land.*

b. *Tier 2: Base level is up to 10 dwelling units per acre of Tier 2 land plus up to 4 dwelling units per acre of Tier 2 land after consideration of accepted incentive offers, for a maximum of 14 dwelling units per acre of Tier 2 land.*

c. *Tier 3: Base level is up to 15 dwelling units per acre of Tier 3 land plus up to 5 dwelling units per acre of Tier 3 land after consideration of accepted incentive offers, for a maximum of 20 dwelling units per acre of Tier 3 land.*

d. *Tier 4: Base level is up to 21 dwelling units per acre of Tier 4 land plus up to 6 dwelling units per acre of Tier 4 land after consideration of accepted incentive offers, for a maximum of 27 dwelling units per acre of Tier 4 land.*

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

Compliance with Estero Planned Development Zoning District

When property in the Village Center requests a rezoning, the zoning category for the Village Center is the Estero Planned Development (EPD) zoning district. The EPD requires compliance with general criteria, goals and requirements, and in order to obtain bonus densities, the applicant may make voluntary incentive offers . The district contains 4 Tiers, depending on the density requested.

This project is requesting a density of approximately 17.3 units per acre (over 15 net density), which is defined as Tier 3. Tier 3 allows a base density of up to 15 if all requirements are met, with additional density based on incentive offers, for a maximum of 20 units per acre. The Council can reduce density if significant deviations are requested or if the proposed incentive offers do not provide significant public benefits. Building height for Tier 3 could be up to 65 feet if all requirements are met. The applicant is requesting 45 feet.

Density Analysis –

Requirements for base density include the following:

- Pattern books (aka "Beauty Books")

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

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

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

The applicant has provided a street connection shown on the Framework Map. This street is located approximately mid-way throughout the project and could ultimately connect to the project to the west. Because the railroad tracks separate the projects, it may be some time before any connection can be achieved. The applicant proposes a traffic "oval" with a provision to connect in the future.

The applicant has provided a visual edge treatment by locating the buildings closer to the road with parking behind. Details of the streetscape need to be provided.

Civic spaces have been provided in the form of green space within a traffic oval area, with potential gathering places around the oval in the form of commercial or civic/amenity uses. The applicant is proposing residential units above commercial or civic/amenity uses in the area around the oval. Details of the civic use of the traffic oval have not been provided. Additionally, details need to be provided as to the design of the green space in the oval. The area needs to include a focal feature such as a fountain, along with seating, and shade trees in the middle to ensure that it is viable and utilized.

The site plan depicts commercial uses on the northerly 2 acre strip of property. There is a broad list of proposed uses for this area, including fast food and drive thru uses. Staff has concerns about the uses, as they should be more "neighborhood-related" with non-gated interconnections into the multi-family areas.

The site plan shows gates which discourage through traffic. Gates are discouraged in the Village Center area as they preclude connectivity. The applicant needs to re-evaluate the gates between the residential and commercial parts of the project, and needs to ensure adequate stacking for vehicles at the gated areas.

The applicant has submitted architectural renderings to comply with the Pattern Book requirement. Staff suggests modifications to the Pattern Book because the commercial and residential portions of the project do not appear to be integrated or cohesive. The buildings

around the traffic oval (residential over commercial or civic), appear to be of higher quality design than the other multi-family buildings and the commercial buildings on the northern part of the site.

Additionally, regarding architectural diversity and high quality development, the renderings presented at the prior Planning and Zoning Board meeting appeared to be photographs of other locations and may not be site specific. The renderings and the pictures do not match. The applicant needs to present a Pattern Book that complies with the Land Development Code provisions. At this time, the drawings do not appear to comply. The commercial parcel, in particular, does not comply with the required style of Mediterranean or Old Florida. The commercial portion at the north end is of lesser detail and quality than the rest of the project. Since high quality design and architecture are important components of the Village Center, staff is recommending the Pattern Book be clarified and revised. Additionally, some of the residential facades are insufficiently detailed and articulated. There are internal inconsistencies in the drawings. Some of the renderings do not show window detailing.

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

- Streetscape – buildings oriented to the street along Via Coconut Point
- Gathering places – potential mixed-use area along the traffic oval (8,000 s.f.)
- Half-acre oval park – publicly accessible green space
- On-street parking in central oval area, and reduced off-street parking for the multi-family areas
- Construction of central oval area and east-west road to oval – publicly accessible
- Remove billboard along Corkscrew Road
- 5 foot sidewalls throughout site
- Construction of landscaping in Via Coconut Point median

It is difficult to evaluate this project in terms of requested density for two reasons: First, the code is still being drafted which may affect this project, and second, the required Pattern Book does not currently contain sufficient information for staff to determine compliance. As explained in other sections of this report, the quality and detail of the design are lacking and other details are not included. For this reason, staff recommends the case be continued, as it cannot evaluate the requested density.

Other Estero-Specific Policies

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

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

The proposed planned development proposes vehicular connections to the adjoining property to the west, across the railroad tracks. A recommended condition to an approval of the zoning includes the development of a joint vehicular and pedestrian interconnection between these properties to provide opportunities for internal and external access to the development, consistent with **Policy 19.2.6**.

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

Other Services and Issues

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

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

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

Transit Services
The development is not directly served by Lee County Transit. In a letter dated August 11, 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.

Deviation (1) seeks relief from LDC Section 10-296(b) which specifies right-of-way standards for privately maintained access streets to allow the internal access drive to meet parking lot aisle standards, allowing vehicles to back out onto the access drive.

Staff Comments: Deviation #1 requests relief from the requirements of the Land Development Code (LDC) Section 10-296(b) which specifies the standard right-of-way widths for privately-maintained streets. The applicant appears to suggest that since the maximum 297-multi-family-residential portion of development is serviced by 3 driveway accesses to Via Coconut Point, the intent of LDC Section 10-296(r) is met in that the street will provide access to 100 or fewer units. In review of the MCP, it is likely that the majority of the residents will use the 2 southernmost accesses to Via Coconut Point, while a small portion will use the second access to Via Coconut Point located to the south of Corkscrew Road. In addition to the residential use of the two middle access points to Via Coconut Point, it is likely that commercial-use traffic will also use the un-gated internal street network. For the aforementioned reasons and the fact that the applicant has not provided sufficient justification as to design constraints that limit the ability to meet the provisions of the LDC, staff recommends denial of this deviation.

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

Staff Comments: The deviation location on the MCP is not clear. The MCP points to where the portion of the deviation is related to a driveway located in proximity to single family residential, but is it unclear where the other portion of the deviation is intended to be used. Staff does not support the granting of this request until it is clearly understood where the deviation would apply and which homes on Happy Hollow Lane will be impacted by this deviation and which homes will have the required buffer provided to buffer the impacts of this development.

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

Staff Comments: Staff does not recommend approval of this deviation. The applicant has provided no evidence that "one bedroom units are not as likely to house two people" (as stated in the applicant's Schedule of Deviations and Justifications) along with the related assumption that 50% or more of one-bedroom units will only require space for parking a single vehicle. The applicant has not provided sufficient justification as to design constraints that limit the ability to construct the required amount of off-street parking. Staff recommends denial of the deviation.

Findings and Conclusions

The following provides the basic Findings and Conclusions of the Land Development Code that the Planning and Zoning Board and ultimately the Village Council must consider for approval of a planned development rezoning. Specific findings must be made at the time of recommendation by the Planning and Zoning Board and final decision-making by the Village Council. Staff is recommending a continuance at this time, but has included example findings below for informational purposes should the Planning and Zoning Board disagree with staff. These can be adjusted depending on the recommendation.

a) The applicant has justification to the 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 Village Transitional 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 areas 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, or mix of uses, 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

ATTACHMENTS:

A. Maps
- Zoning
- Future Land Use
- Aerial
- Map A (Resolution 2015-22)

B. Conditions
C. Master Concept Plan
D. Village Center Comprehensive Plan Amendment Staff Report (March 24, 2016)
E. Village Center Comprehensive Plan Amendments CPA 2016-01 (March 24, 2016)
F. Minutes from Estero Public Information Meeting at Planning and Zoning Board dated August 25, 2015
G. Estero Community Planning Panel Minutes of February 16, 2015 and March 16, 2015
H. Agricultural Affidavit
I. Zoning Resolution Z-03-067
J. CSX Railroad Letter
K. Lee County Environmental Comments
L. Lee County DOT Comments
M. Lee County Development Services – TIS Comments
N. School District of Lee County Comments
O. Legal Description
P. Land Development Code Amendments (March 24, 2016 draft)
Q. Applicant Submitted Materials