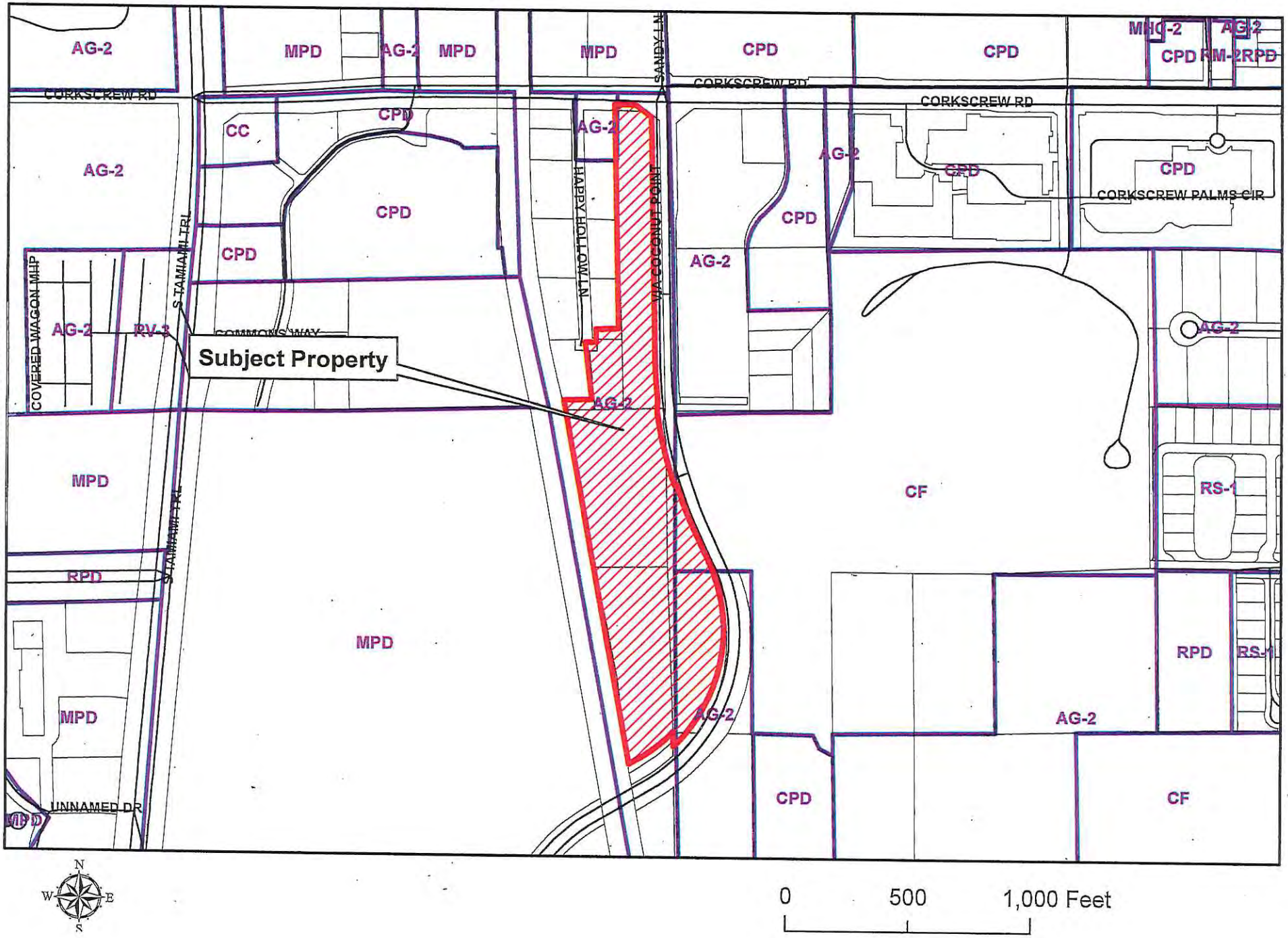
# ATTACHMENT A

## Maps

**DCI2014-00023**

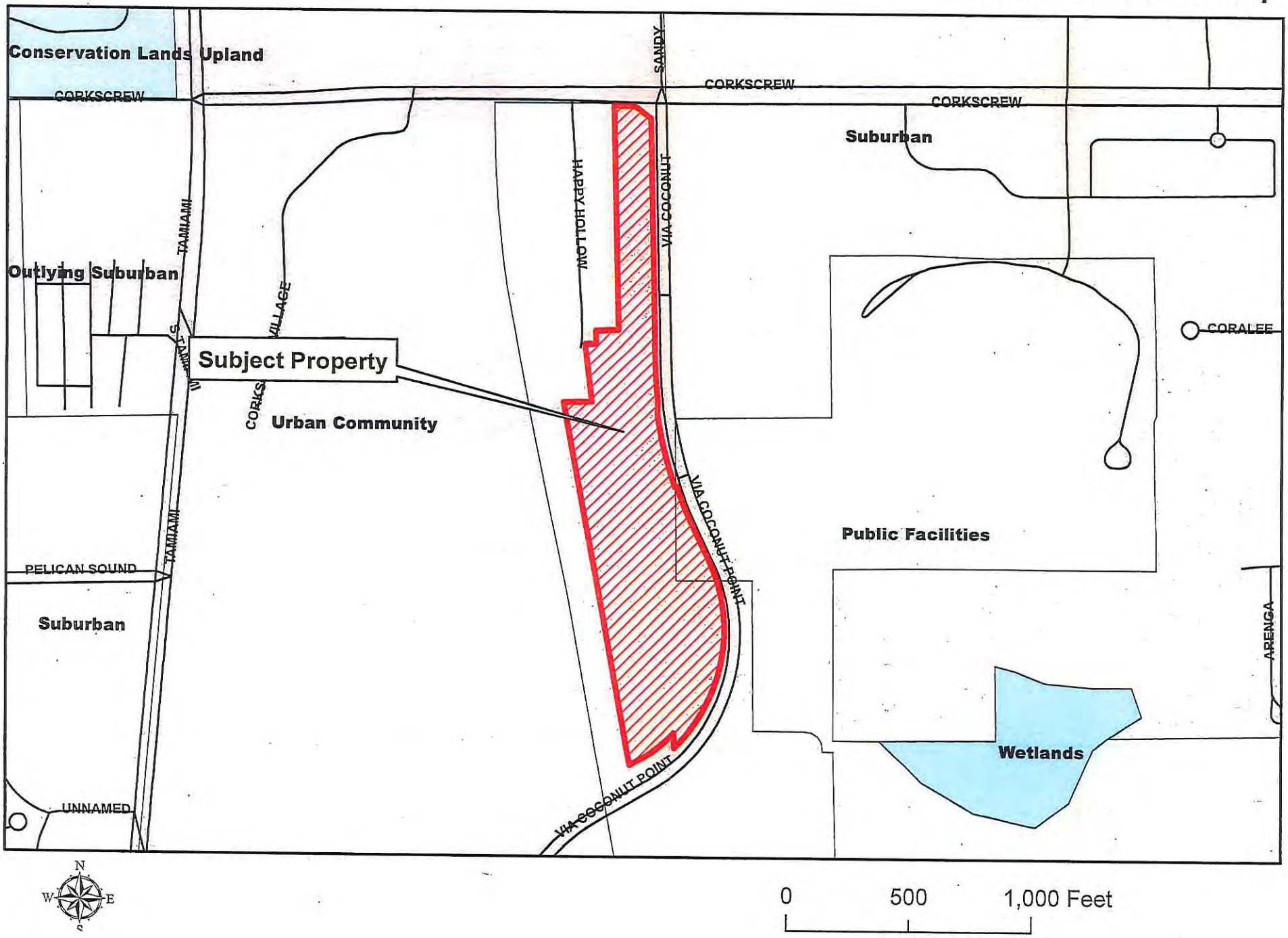
**ZONING MAP**

ATTACHMENT A



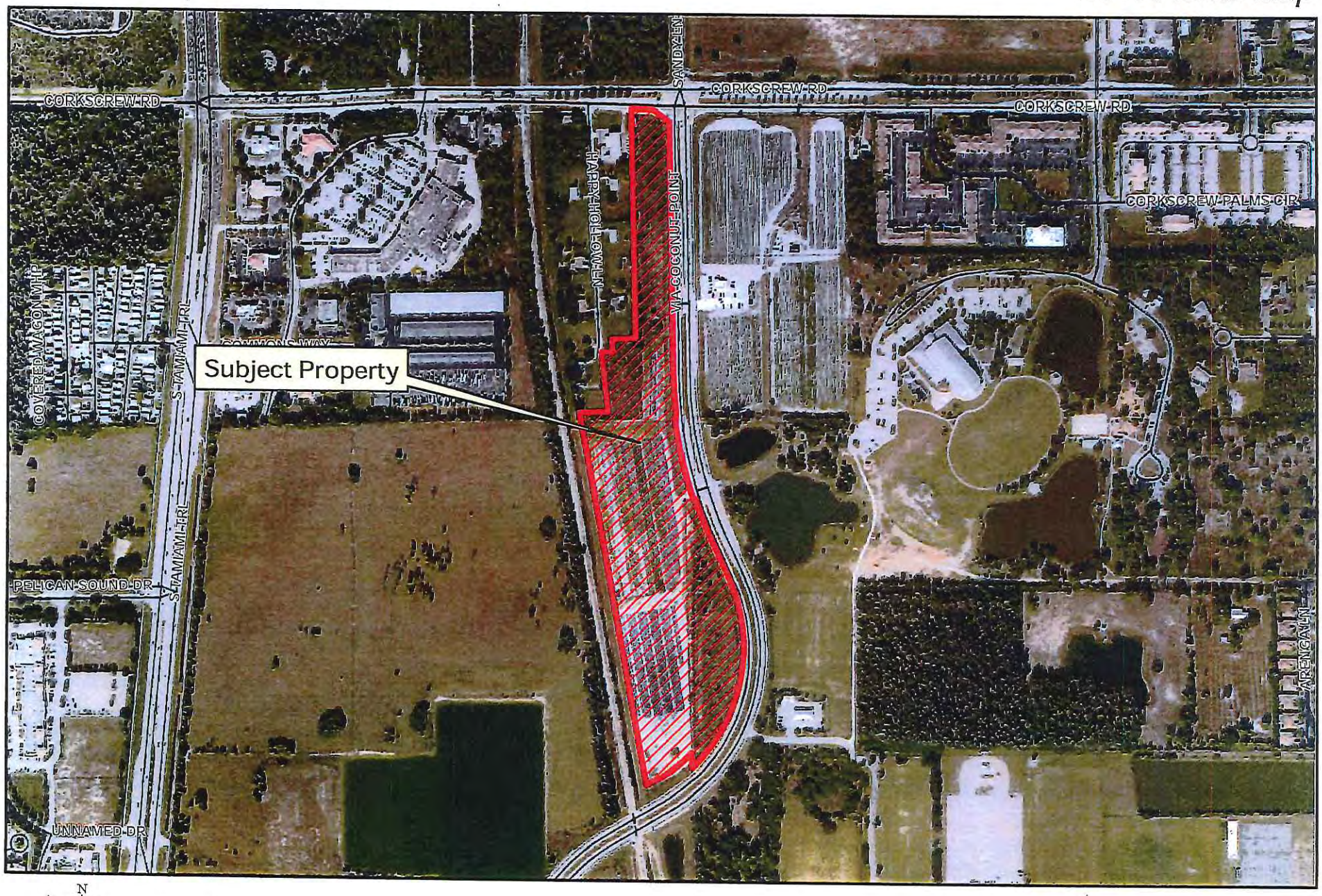
**DCI2014-00023**

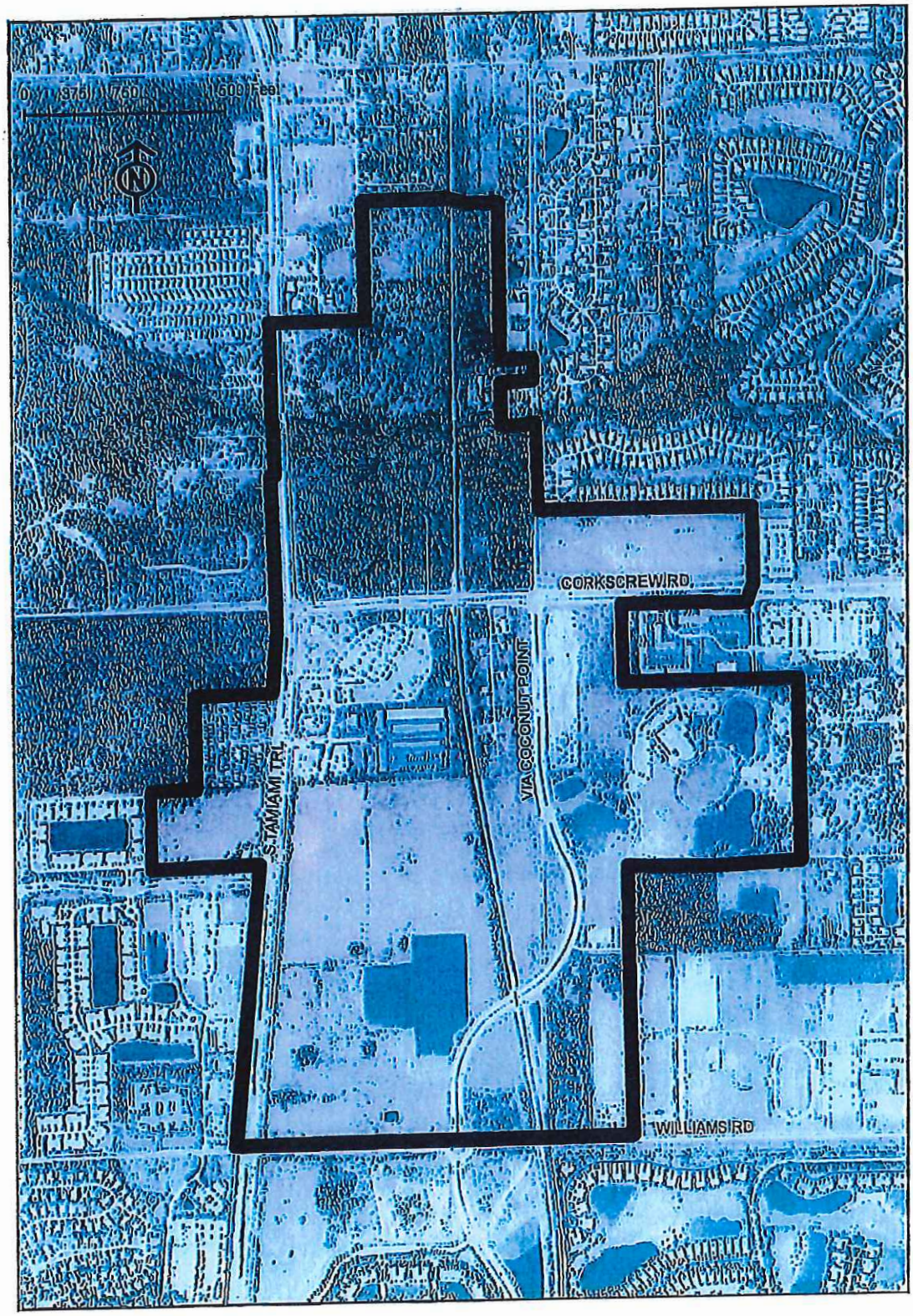
# Future Land Use Map



*DCI2014-00023*

*2015 Aerial Map*




0
375
750
1500 Feet
N
CORKSCREW RD
VIA COCONUT POINT
S TAMIAMI TRL
WILLIAMS RD

**MAP A**

# ATTACHMENT B

## Conditions

# VIA COCONUT CONDITIONS

1. Master Concept Plan/Development Parameters

The development of this project must be consistent with the one-page Master Concept Plan for Via Coconut, stamped received March 30, 2015, except as modified by the conditions below.

This development must comply with all requirements of the Land Development Code (LDC) at time of local Development Order Approval, except as may be granted by deviation as part of this planned development. If changes to the Master Concept Plan are subsequently pursued, appropriate approvals will be necessary.

The project is approved for 297 multiple family residential units and 30,000 square feet of commercial use, with a maximum building height of 45 feet.

2. Uses and Property Development Regulations

a. Schedule of Uses – See Exhibit A

b. Property Development Regulations – See Exhibit B

3. Vehicular/Pedestrian Connection

Happy Hollow Lane:
The future interconnections to the parcels along Happy Hollow Lane shown on the Master Concept Plan are approved conceptually. Specific connection to and the right to cross private property must be demonstrated at the time of local development order.

Property West of Railroad Right-of-Way:
Shown as a Future Potential Interconnection, the development must provide for future vehicular and pedestrian access connection to the property to the west as part of any residential development activity within this planned development.

More specifically, the applicant must construct the east-west connector road and oval as part of the residential development order. The road must be constructed to the west property line with the stub-out design subject to approval of Village Staff.

Internal to the Planned Development:
The development must provide for both vehicular and pedestrian interconnection throughout the development. The internal pedestrian connection must be in the form of sidewalks internal to the project separate and distinct from vehicular roads, drives, and access ways.

External to the Planned Development:
Except as provided elsewhere in the conditions of this planned development, pedestrian interconnection must be provided in accordance with the Master Concept Plan and Land Development Code.

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

5. Traffic
Connections shown on the Master Concept Plan to Via Coconut Point are subject to the review and approval by Lee County Department of Transportation, unless this road is turned over for maintenance to the Village of Estero. The southerly access point will be reviewed by the Village at the time of the development order for sight visibility issues to determine whether it is approvable.

6. Vehicular/Pedestrian Impacts
Approval of this zoning request does not address mitigation of the project's vehicular or pedestrian traffic impacts. Additional conditions consistent with the LDC may be required to obtain a local development order.

7. Transitional Comprehensive Plan
Approval of this zoning request does not guarantee local development order approval. Future development order approvals must satisfy the requirements of the Planning Communities Map and Acreage Allocation Table, Map 16 and Table 1(b), be reviewed for, and found consistent with, the retail commercial standards for site area.

8. Concurrency
Approval of this rezoning does not constitute a finding that the proposed project meets the concurrency requirements set forth in the Land Development Code. The developer is required to demonstrate compliance with all concurrency requirements prior to issuance of a local development order.

9. Agricultural Uses
Agricultural Uses: Existing bona fide agricultural uses on this site are allowed as follows:

(a) Bona fide agricultural uses consisting of row crops, that were in existence when the application for this project was filed, may continue in the areas depicted on **EXHIBIT C** until a local development order is approved for the area containing the agricultural uses.

(b) Clearing or injury of native trees or other native vegetation, including understory, in agricultural areas is prohibited. Existing areas of bona fide agricultural use that include existing grass pasture(s) may be mowed but those areas may not be cleared or expanded. Violations of this condition will require restoration in accordance with LDC 10-423. This prohibition of clearing or expansion of agricultural use is not intended to preclude approved requests for removal of invasive exotic vegetation.

(c) Prior to issuance of a local development order for the portion that contains the agricultural use, the property owner must provide written proof, subject to approval by the Village Attorney of the following:

(1) Termination of all agricultural use on the property included in the development order application/approval. Proof must include a sworn affidavit from the person or entity holding title to the property that specifically provides:

a) the date the agricultural uses ceased;

b) the legal description of the property subject to the development order approval;

c) an affirmative statement that the owner acknowledges and agrees that all agricultural uses are illegal and prohibited on the property and that the owner covenants with the county that they will not allow agricultural uses on the property until the property is re-zoned to permit agricultural uses; and

d) that the affidavit constitutes a covenant between the owner and the county that is binding on the owner, their assignees and successors in interest.

The affidavit must be properly recorded in the public records of the county at the owner's expense.

(2) Proof of termination of the agricultural tax exemption for the portion of the property included in the development order application/approval. Proof of termination must include a copy of the owner's request to terminate the tax exemption provided to the Property Appraiser.

10. Solid Waste Management

As part of any local development order approval for vertical development, the development order plans must include facilities in compliance with LDC Section 10-261 and Solid Waste Ordinance #11-27 for the pick-up/disposal of solid waste and recyclables. The minimum area required for, and specific locations of, these facilities will be reviewed at the time of local development order application.

11. Development Permits

Issuance of a development permit does not in any way create any rights on the part of the applicant to obtain a permit from a state of federal agency and does not create any liability on the part of the county for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertake actions that result in a violation of state or federal law.

12. Pattern Book

The Pattern Book must be reviewed by the Design Review Board prior to Village Council hearing and may be required to be amended pursuant to that review. A Pattern Book must meet the requirements of the Estero Planned Development. It must contain additional detail regarding:

- Building design, materials – residential and commercial
- Gates – type, location, design (any gates must maintain required stacking per code)

- Streetscape (number and type of trees), along Via Coconut

13. Timing of Commercial Uses
The 8,000 square feet of commercial space at the traffic oval will be constructed during Phase I of the project.

14. Central Oval
The central oval must be constructed as at least a "Type C" road and shown on the development order, and platted as a public easement, and recorded in the official records of the county. The green space in the oval must be designed to include a focal feature such as a fountain, with appropriate seating, shade trees and other amenities.

15. Billboard
The billboard must be removed as part of the first development order for the site.

16. Gates
No gate is approved between the northerly commercial parcel and residential development. Gates, fences and walls must be designed to be obscured from view from any roadway.

17. Commercial Uses
The commercial uses in the northern 2 acre site are intended to be neighborhood commercial uses. There must be a variety and mixture of commercial uses. No one use can dominate the site. The site will contain multiple buildings as shown on the Master Concept Plan.

18. Parking Spaces
Parking spaces must be delineated on the development order plan and assigned to units, with adequate guest parking required per code.

19. Property Development Regulations
The property development regulations list townhomes as a potential use. If townhomes are developed, this will require an amendment to the zoning through the public hearing process as the site plan will be different.

20. Incentive Offerings
The applicant's incentive offerings are incorporated into this zoning approval as Exhibit D. Location and details are shown on the Master Concept Plan and in the Pattern Book.

EXHIBITS:
A. Schedule of Uses
B. Property Development Regulations
C. Agricultural Affidavit
D. Pattern Book with Incentive Offerings

# Via Coconut
# Schedule of Uses

*Note: Strike-thru and underline indicates staff deletions and additions*

**Commercial Area**

---

Accessory Uses and Structures
Administrative Offices
Agricultural uses, continuation of bona fide use only
Animals: Clinic
ATM (automatic teller machine)
Auto parts store, No installation service
Bait and tackle shop
Banks and financial establishments (34-622(c)(3)), Groups I, II
Broadcast studio, commercial
Business services (34-622(c)(5)): Group I, except bail bonding, check exchanges and oxygen tent services, Group II (messenger services, packaging services, parcel and express services only)
~~Caretaker's Residence~~
~~Clubs: Commercial, Fraternal, Membership organization, Private~~
Consumption on premises (<u>in conjunction with group 3 restaurants only, no service past midnight</u>)
Convenience food and beverage store (<u>no gas pumps</u>)
Cultural facilities (34-622 (c)(10)), except animal or reptile exhibits, aquariums, botanical or zoological gardens, historical sites, planetaria or zoos
Day care center, adult, child
~~Drive-through facility for any permitted use~~
Drugstore, pharmacy
EMS, fire or sheriff's station
Essential Services
Essential service facilities, (34-622(c)(13)), Group I
Excavation: Water retention, detention
Fences and Walls (<u>see conditions</u>)
~~Food and beverage service, limited~~
Food stores (34-622(c)(16)), Group I
Hardware store
Hobby, toy and game shops, (34-622(c)(21)
Household and office furnishings, (34-622(c)(22)), Group II
Insurance companies (34-622(c)(23))
Laundry or dry cleaning (34-622(c)(24)), Group I
Lawn and garden supply store
Medical office
Nonstore retailers (34-622 (c)(30)), Group I
~~Package store~~
Paint, glass and wallpaper
Parking lot: Accessory, Temporary (Temporary parking is subject to temporary use permit as applicable)
Personal services (34-622(c)(33)), Group I except coin-operated laundries or laundromat



EXHIBIT A

Personal services (34-622(c)(33)), Group II except massage parlors (article VII, division3)
Personal services (34-622(c)(33)), Group IV, except escort services, palm readers, fortune tellers, card readers, or tattoo parlors
Pet services
Pet shop
Place of worship
Post office
Real Estate Sales and Rental Office – limited to sales and/or rental of units within the Planned Development
Recreational facilities, Group IV, except bingo halls or skating rinks
Rental or leasing establishments, (34-622(c)(39)), Groups I and II
Repair shops (34-622(c)(40)), Groups I and II, except taxidermists
Restaurant, fast food
Restaurants (34-622(c)(43)), Groups I, II and III
Schools, commercial (art, bartending, business, computer, crafts and dance only)
Signs in accordance with Chapters 30 and 33
Specialty retail shop (34-622 (c)(47)), Groups I – III, except ammunition, bowling equipment, firearms, hunters equipment, riding goods, saddlery stores, skiing equipment or tent shops
Studios (34-622(c)(49))
~~Temporary uses, subject to temporary use permit as applicable~~
Used merchandise stores, (34-622(c)(54)), Group I except pawn shops
Variety store

## Residential Area

Accessory Uses and Structures
Agricultural uses, continuation of bona fide use only (see condition)
Dwelling Units: Multiple-Family Buildings, Townhouse
Entrance gates and gatehouse (see condition)
Essential Services
Essential service facilities, (34-622(c)(13)), Group I
Excavation: Water retention, detention
Fences and Walls (see conditions)
Home Occupation (subject to standards in ~~Lee County~~ Land Development Code Section 34-1772)
Model display center
Model Homes, Model Units and Model Display Center, including accessory parking lots
Park, including community gardens, neighborhood parks, passive and active recreation
Parking lot: Accessory, Temporary (Temporary parking is subject to temporary use permits as applicable)
Real Estate Sales and Rental Office – limited to sales and/or rental of units within the development
Recreation facilities, Personal and Private On-site
Signs in accordance with Chapters 30 and 33
Temporary uses, subject to temporary use permit as applicable

***The following non-residential uses are permitted on the ground floor of the two multifamily buildings in the Residential Area that are indicated on the Master Concept Plan to contain a maximum of 8,000 s.f. ground floor non-residential use:***

Administrative offices
ATM (automatic teller machine)
Banks and financial establishments (34-622(c)(3)), Groups I, II
Business services (34-622(c)(5)), Group I, except bail bonding, check exchanges and oxygen tent services, Group II (messenger services, packaging services, parcel and express services only)
Caretaker's residence
Clubs: Commercial, Fraternal, Membership organization, Private
Consumption on premises (service no later than 1 a.m.)
Convenience food and beverage store (no drive thru)
Cultural facilities (34-622 (c)(10)), except animal or reptile exhibits, aquariums, botanical or zoological gardens, historical sites, planetaria or zoos
Day care center, child
Drugstore, pharmacy
Food and beverage service, limited
Food stores (34-622(c)(16)), Group I
Hobby, toy and game shops (34-622(c)(21)
Household and office furnishings, (34-62(c)(22)), Group II
Insurance companies (34-622(c)(23))
Medical office
Package store
Paint, glass and wallpaper
Personal services (34-622(c)(33)), Group I except coin-operated laundries or laundromat
Personal services (34-622(c)(33)), Group II except massage parlors (article VII, division3)
Personal services (34-622(c)(33)), Group IV, except escort services, palm readers, fortune tellers, card readers, or tattoo parlors
Pet services
Pet shop
Post office
Real Estate Sales and Rental Office – limited to sales and/or rental of units within the Planned Development
Recreation facilities, Personal and Private On-site
Recreational facilities, Group IV, except bingo halls or skating rinks
Rental or leasing establishments, (34-622(c)(39)), Groups I and II
Repair shops (34-622(c)(40)), Groups I and II, except taxidermists
Restaurant, fast food
Restaurants (34-622(c)(43)), Groups I, II and III
Schools, commercial (art, bartending, business, computer, crafts and dance only)
Signs in accordance with Chapters 30 and 33
Specialty retail shop (34-622 (c)(47)), Groups I – III, except ammunition, bowling equipment, firearms, hunters equipment, riding goods, saddlery stores, skiing equipment or tent shops
Studios (34-622(c)(49))
Used merchandise stores, (34-622(c)(54)), Group I except pawn shops
Variety store

# Property Development Regulations

**Commercial Area**

| | |
|---|---|
| Minimum Lot Area: | 5,250 square feet |
| Minimum Lot Width: | 70 feet |
| Minimum Lot Depth: | 75 feet |
| Minimum Building Separation: | 5 feet (3) |
| Maximum Lot Coverage: | 50% |
| Maximum Height: | 3 stories/45 feet |

Minimum Building Setbacks

| | |
|---|---|
| Street ROW: | 5 feet min. -25 feet max. (1) (2)<br>Arcades, awnings, furnishings, and similar pedestrian realm architectural features may encroach into setback. |
| Side: | 0 feet (3) |
| Rear: | 25 feet |
| Water Body, if applicable: | 25 feet |
| Railroad ROW: | 15 feet |

(1) Corner lots are subject to a maximum setback of 25 feet along both rights of way.
(2) Parking lots must be set back 75 feet from Corkscrew Road.
(3) Developments are encouraged to provide side setbacks of five feet or less to create a continuous "street wall" of building frontage where possible. Where side setbacks are more than five feet, architectural features, walls, pedestrian nodes or hedges will serve to support the continuity of the "street wall."

**Residential Area (includes the two multifamily buildings that are indicated on the Master Concept Plan to contain non-residential ground floor uses)**

| | |
|---|---|
| Minimum Lot Area: | 7,500 square feet |
| Minimum Lot Width: | 100 feet |
| Minimum Lot Depth: | 75 feet |
| Minimum Building Separation: | 5 feet (1) |
| Maximum Lot Coverage: | 50% |
| Maximum Height: | 3 stories/45 feet, with exception for architectural features not exceeding 20% of the roof area |

Minimum Building Setbacks

| | |
|---|---|
| Street: | 5 feet min. – 25 feet max.<br>Arcades, awnings, furnishings, and similar pedestrian realm architectural features may encroach into setback. |
| Side: | 0 feet (1) |
| Rear: | 25 feet |
| Water Body: | 25 feet |
| Railroad ROW: | 25 feet for the two buildings with non-residential ground floors<br>50 feet for all other multifamily buildings |



EXHIBIT B

## Property Development Regulations

(1) Developments are encouraged to provide side setbacks of five feet or less between buildings to create a continuous "street wall" of building frontage where possible. Where side setbacks are more than five feet, architectural features, walls, pedestrian nodes or hedges will serve to support the continuity of the "street wall."

(2) As an alternative to developing in accordance with these property development regulations for multiple-family residential area, a parcel may be developed with townhouses on lots with a minimum area of 2,400 square feet per unit without compliance with minimum width, depth or side yard setback requirements; provided:

- The overall parcel on which the lots are developed shall comply with all lot coverage, area, width and depth requirements;
- All structures shall comply with setbacks, as measured from the boundary of the overall parcel;
- All structures shall comply with front and rear and water body setbacks, as measured from individual lot lines.

DCI 2014-00023

RECEIVED
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COMMUNITY DEVELOPMENT

# AFFIDAVIT OF AGRICULTURAL USE

**STATE OF FLORIDA**
**COUNTY OF LEE**

BEFORE ME, the undersigned authority, on this 20th day of August, 2014, personally appeared Stephanie Miller, in her capacity as Trustee for Land Trust dated 3/21/97 and as Trustee for Land Trust dated 1/9/04 and as General Partner of Wildcat Hollow LLP who is personally known to me or who produced Known to ME. as identification and who did take an oath, who deposes and says as follows:

1. I am the owner of the follow described property, to wit:

   See Attached "Exhibit A"

2. That the above described property has been used for bona fide agricultural purposes, for the growing of row crops, at the time of the Lee County Board of County Commissioners review and consideration of the rezoning of the property described in attached "Exhibit A."

3. The agricultural use of the property is an existing bona fide agricultural use.

4. The agricultural use is being conducted on the entire 18.53± acres that is subject to rezoning. The entire property described on the attached "Exhibit A" is being used for row crops.

5. Affiant further states intent to continue the agricultural uses on the property, and when a Lee County Development Order is obtained, the owner will cease agricultural operation on that portion of the property subject to a Lee County Development Order.

6. Affiant further states that she is familiar with the nature of an oath; and with the penalties as provided by the laws of the State of aforesaid for falsely swearing to statements made in an instrument of this nature. Affiant further certifies that she has read, or has heard read to her, the full facts of this affidavit and understands its meaning and context.

**FURTHER AFFIANT SAYETH NAUGHT.**

Signature
**Stephanie Miller**
**Trustee for Land Trust dated 3/21/97**
**Trustee for Land Trust dated 1/9/04**
**General Partner of Wildcat Hollow LLP**

Date 8/20/2014

**STATE OF FLORIDA**
**COUNTY OF LEE**

SWORN TO and subscribed before me on the date and year first above written.

STAMP/SEAL

Signature of Notary Public

Commission No. FF 070440

Print, type or stamp commissioned name of Notary Public)

EXHIBIT C

Village of Estero
Planning & Zoning Board
June 21, 2016

# *Via Coconut*
# PATTERN BOOK

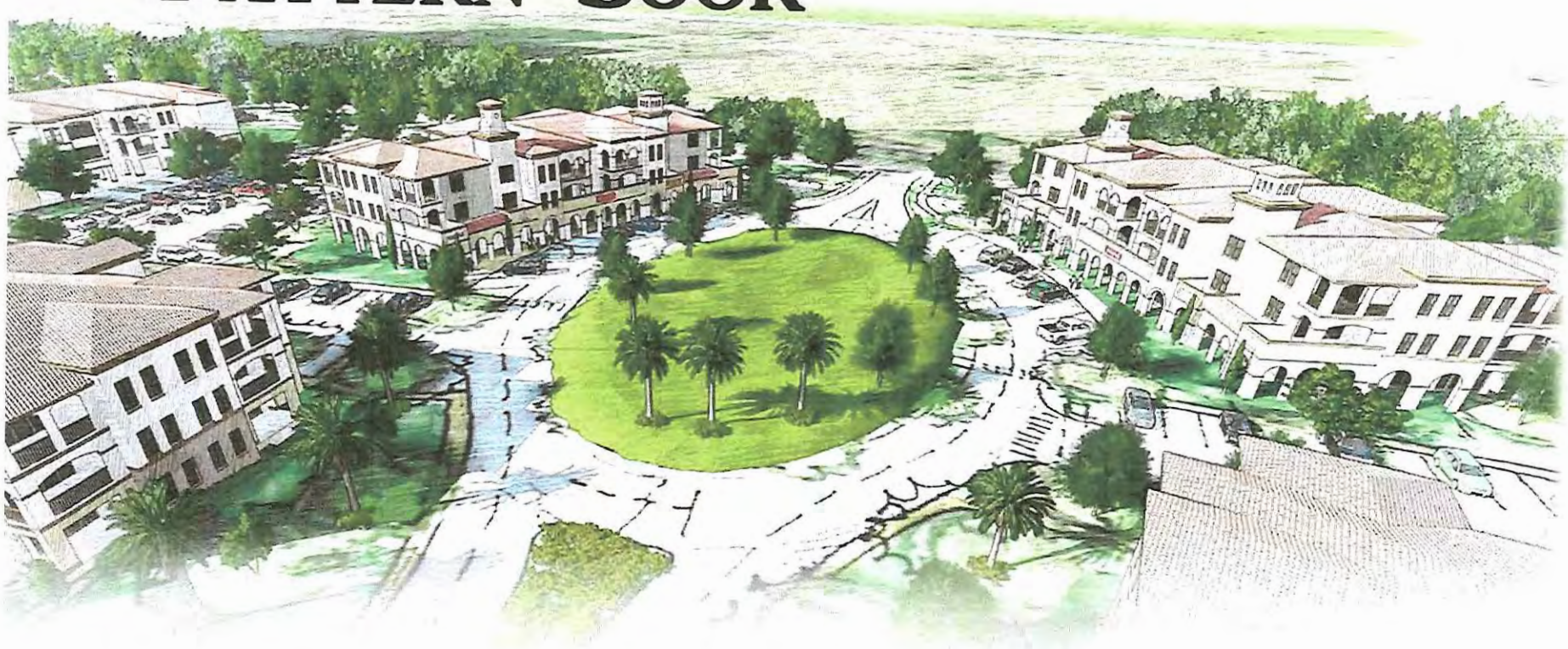



EXHIBIT D

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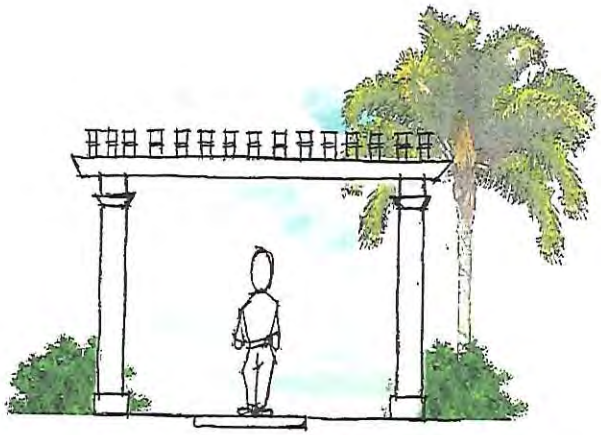
# Illustrative Site Plan with aerial

# Access Control Diagram

Vehicular gate – Character image

Pedestrian gate – Character image

# Access Control Diagram – Arbor concepts



Commercial Arbor

**LEGEND**

- FENCE
- GATE
- WALL
- RESIDENTIAL ARBOR FEATURE
- COMMERCIAL ARBOR FEATURE

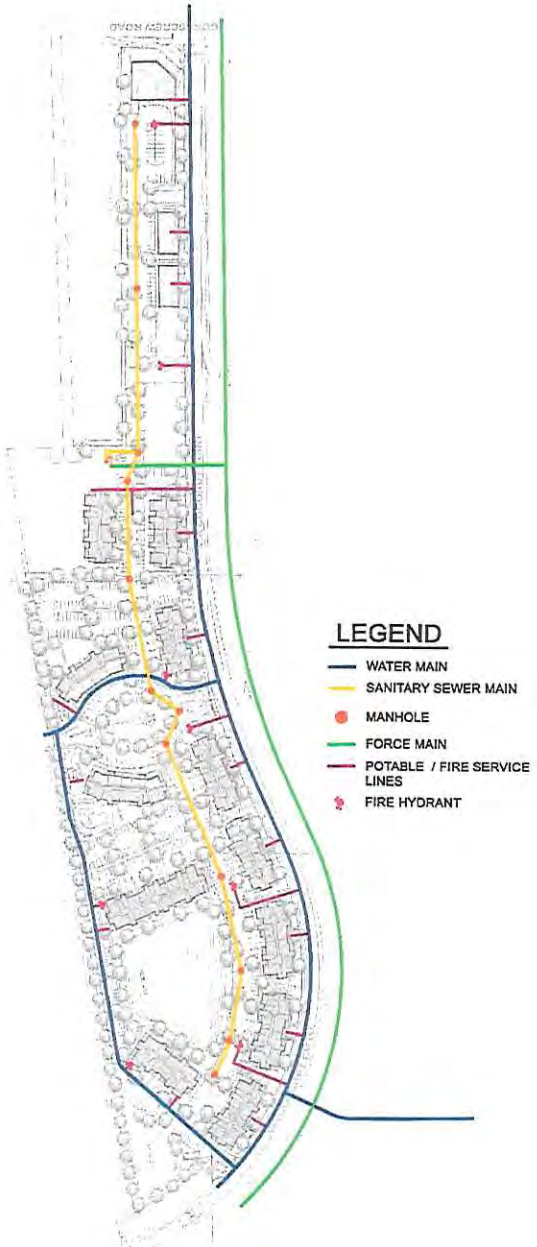
Residential Arbor

## Pedestrian/Bicycle Network

The pedestrian/bicycle network includes sidewalks that connect throughout the project, sidewalks along the east-west connecting street, and sidewalk connections to the external pedestrian facilities along Via Coconut Point.

## Utilities Diagram

The conceptual utility plan shows the general locations proposed for utility lines and connections. Utility main extensions are required by LCU to be located within the Via Coconut Point Right of Way. Exact alignments will be determined during final design.



## Conceptual architectural elevations – Residential Buildings

These elevations depict generalized architectural theme or themes that will be characteristic of the primary façade of residential buildings, including proposed color palette.

Views along Via Coconut Point

## Conceptual elevations – Residential Buildings

View along Via Coconut Point

Residential street view – Character image

## Conceptual architectural elevations – Buildings around the Oval Park

These elevations depict generalized architectural theme or themes that will be characteristic of the primary façade of buildings around the central Oval Park, including proposed color palette.

View along Oval Park

Conceptual architectural elevations – Buildings around the Oval Park

View along Central Oval

Street view of Oval Park Building Frontage - Typical

## Conceptual architectural elevations – Commercial Buildings

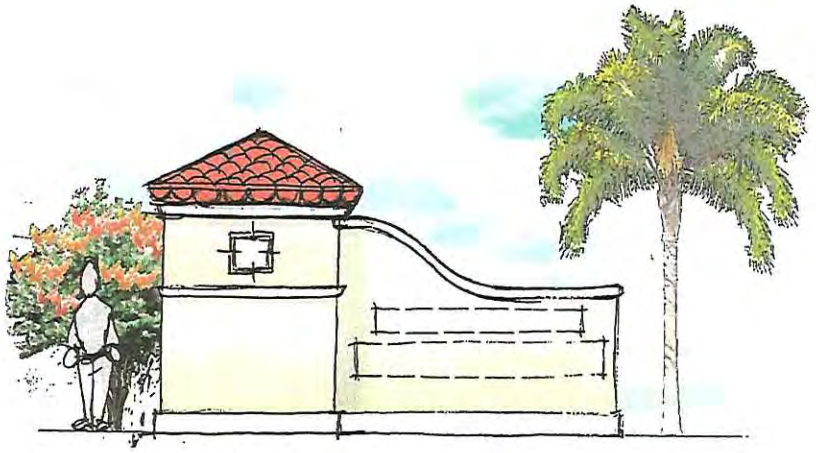
These elevations depict generalized architectural themes that will be characteristic of the primary façade of commercial buildings at the corner of Corkscrew Road and Via Coconut Point, including proposed color palette.

View along Via Coconut Point looking south

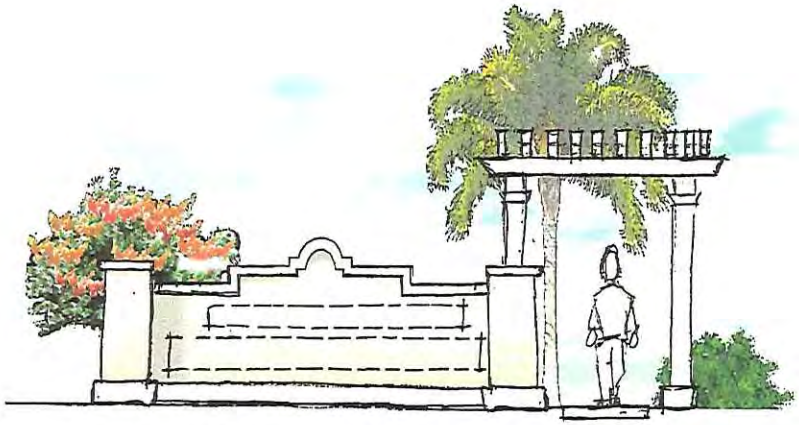
# Signage Plan

LEGEND

- COMMERCIAL ENTRY SIGN
- RESIDENTIAL ENTRY SIGN / ARBOR
- WALL SIGN



Commercial Entry Sign



Residential Entry Sign/Arbor

Example of Wall Signage - Typical

## Landscaping and open space - Oval Park Concept Plan

The Connecting Street surrounds the Oval Park. Angled on street parking along the Connecting Street (Deviation 1) allows for easy public access to storefronts and calms traffic for a safer and more comfortable pedestrian realm.

# Landscaping and open space - Oval Park Character images

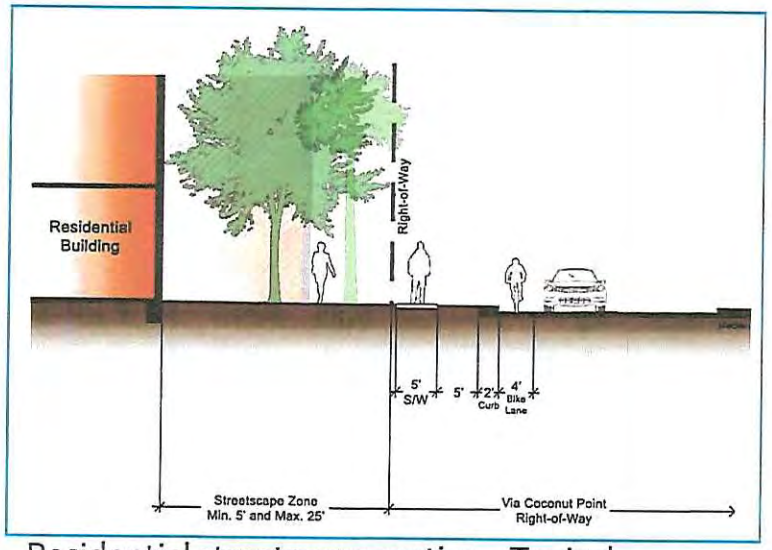
Typical look and feel of the public realm and gathering places around the Oval Park

Paver and crosswalk treatment options – Character image

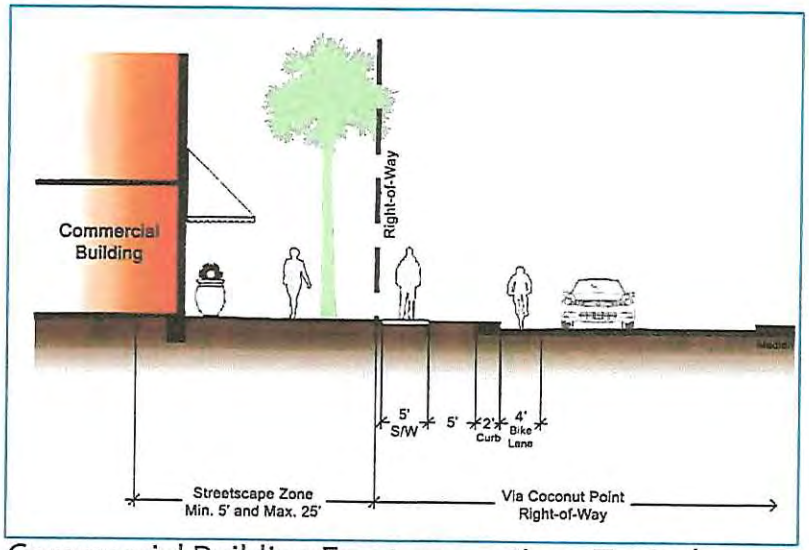
Patio seating for nonresidential uses – Character image

Oval Park open space & benches – Character image

# Landscaping and open space – Streetscape along Via Coconut Point



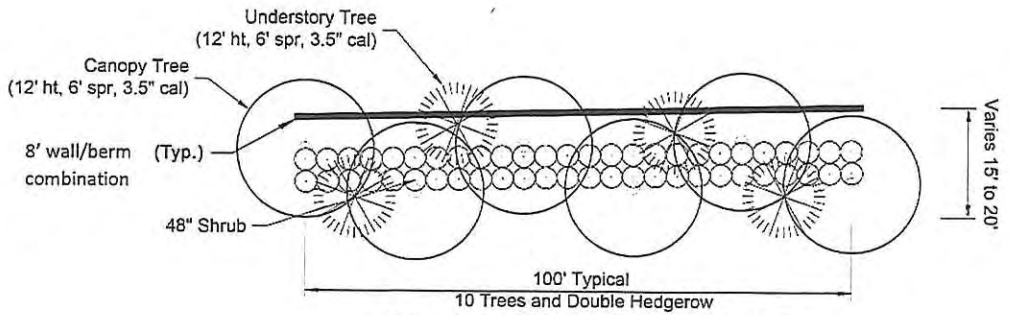

Residential streetscape section - Typical




Commercial Building Frontage section - Typical

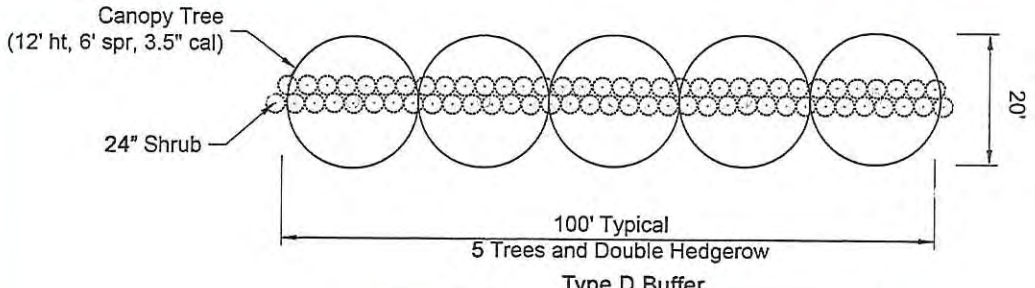
# Proposed Buffers

## Typical driveway to Single Family Residential Buffer (Deviation 2)

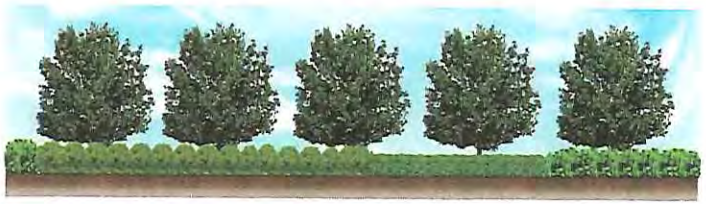



Driveway to Single Family Residential Buffer
N.T.S.

## Typical buffer conditions proposed along the railroad right-of-way

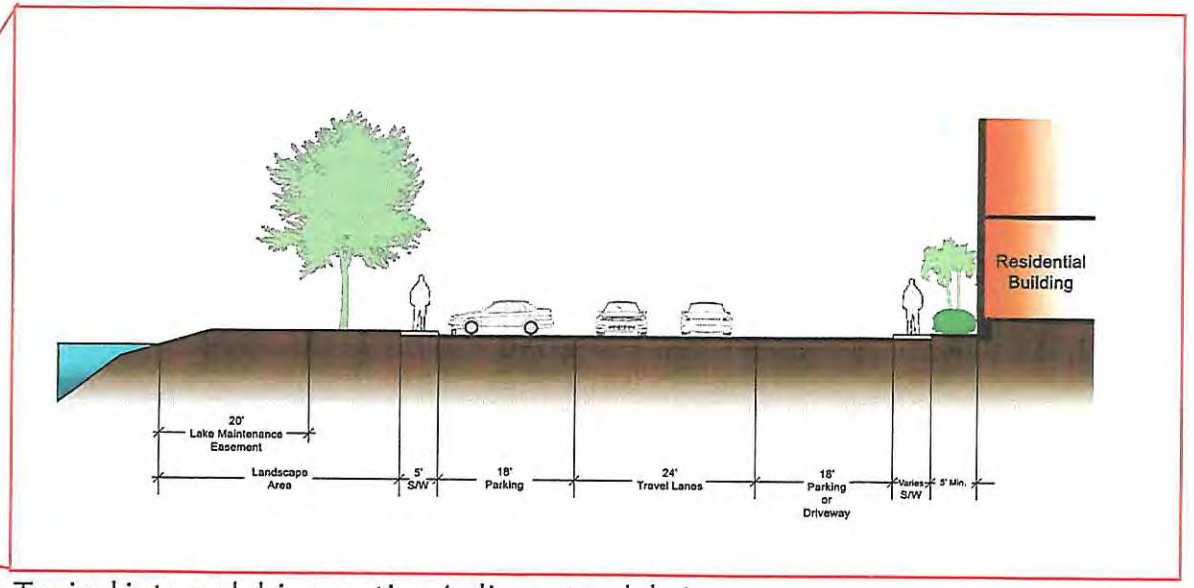



Type D Buffer
N.T.S.



## Internal accessways

Internal drives will serve the comfort and convenience of residents and businesses. Speeds will be posted at 25 mph or less. Accessways will provide access to perpendicular parking and driveways. Sidewalks are provided on both sides of accessways.




Typical internal drive section (adjacent to lake)

# Incentive Offerings

- **Enhanced landscape and streetscape**

Commercial and residential building facades and entrances oriented to the public street (Via Coconut Point) and the proposed east-west connector road. Interface of the public/private realm is addressed through transitional courtyards along Via Coconut Point. Pedestrian comfort and scale is provided by trees along Via Coconut Point.

- **Gathering places (outdoor cafes, etc.)**

Commercial areas and first floor non-residential areas are designed to accommodate outdoor seating areas.

- **Public civic spaces**

The central oval park is a ±0.5 acre public green space that serves as a focal point for the project and community-at-large. This is proposed as publicly accessible green space in a formal urban setting.

- **Mixed use**

The site features both vertical and horizontal mixed use.

Buildings fronting the central Oval Park are vertically mixed use buildings. Each building has approximately 4,000 square feet of nonresidential ground floor area. Residential units are on portions of the ground floors and on the 2nd and 3rd floors.

Three commercial buildings totaling approximately 22,000 square feet are at the corner of Corkscrew Road & Via Coconut Point. Open spaces around these buildings are provided for human scale seating and furnishing for comfort. These spaces are interconnected to the residential buildings with vehicular, pedestrian and bike connections that direct people through the site in a safe and convenient manner.

- **Pedestrian/Bicycle Connectivity**

Bicycle and pedestrian connection is achieved with five foot wide (minimum) sidewalks throughout the site. These sidewalks include paths that connect to every commercial and residential building entry. The paths connect to continuous internal sidewalks along both sides of the residential area drive aisles, providing for convenient connection from one building to another and from one area of the site to another. The sidewalk network also connects to surrounding external sidewalks along Via Coconut Point and Corkscrew Road. Those pedestrian oriented interconnections also provide for the opportunity to increase access of the residents to the Estero Community Park recreational area. Proposed sidewalks are wider (8 feet wide within arcade and 8 feet wide outside the arcade) along the buildings that face the central Oval Park, given the importance of these buildings for public use and enjoyment.

# Incentive Offerings

- **On-street Parking**

On-street parking is a feature of the central oval area, contributing to the urban character of this node that centralizes the site and serves as a focal point for the community at large. The connecting street around the oval is designed to carry one-way traffic in one 18-foot wide lane (required for 60-degree angled parking per Land Development Code §34-216). The parking spaces are 60-degree angled spaces. The traffic calming characteristic of the oval's geometry will slow traffic. The one-way, one-lane system reduces the complexity for drivers compared to a two-way street. On-street parking is an urban concept that makes for convenient public access to buildings and contributes to traffic calming because drivers must be observant of the parking movements, unlike moving through a thoroughfare with no on-street parking. On-street parking also improves the pedestrian quality of this central node, because the cars parked in the angled spaces serve as a buffer between the travelway and the pedestrians walking along the building fronts.

- **Reduced Off-Street Parking**

Reduction from the standard 2 parking spaces per unit to allow 1.5 spaces per one-bedroom dwelling unit is meant to control the proliferation of parking the site. Reduced parking in more urban contexts is responsive to the decrease in parking demand that results from smaller dwelling units located within walkable environments. Leasing provisions will address parking assignments, and property managers ensure that parking is properly assigned and accommodated in the residential parking areas.

Commercial parking ratios are not reduced, and commercial area parking will be open and available to the public.

- **Construct Civic Improvements**

Construction of the central Oval Park as publicly accessible open space/green space within a publicly accessible connecting street corridor is a substantial civic improvement.

The cost for design and construction of the roadway, on-street parking, sidewalks, and green space is estimated at $200,000-300,000. This does not include the cost of the land, the cost to treat and attenuate stormwater associated with the roadway, or the cost to maintain the facilities over time.

Construction of the landscaping in the Via Coconut Point median subject to Village review and approval will also be provided. This is a substantial contribution to improve appearance of the corridor and help achieve the goal of a continuous landscaped condition for Via Coconut Point.

- **Removal of Billboard**

There is an existing, income-producing billboard on the subject site, positioned along Corkscrew Road. In consideration of the Village Center objectives to maintain an attractive community character and appearance, the applicant agrees to remove this asset prior to the start of any construction.

## *Incentive Offerings*

- **Enhanced landscape and streetscape**

Commercial and residential building facades and entrances oriented to the public street (Via Coconut Point) and the proposed east-west connector road. Interface of the public/private realm is addressed through transitional courtyards along Via Coconut Point. Pedestrian comfort and scale is provided by trees along Via Coconut Point. (See Frontage Diagrams in Pattern Book)

- **Gathering places (outdoor cafes, etc.)**

Commercial areas and first floor non-residential areas are designed to accommodate outdoor seating areas. (See Streetscape Perspectives in Pattern Book)

- **Public civic spaces**

The central oval park is a ±0.5 acre public green space that serves as a focal point for the project and community-at-large. This is proposed as publicly accessible green space in a formal urban setting. (See 3D image in Pattern Book)

- **Mixed use**

The site features both vertical and horizontal mixed use.

Buildings fronting the central oval park are vertically mixed use buildings. Each building has approximately 4,000 square feet of nonresidential ground floor area. Residential units are on portions of the ground floors and on the 2nd and 3rd floors.

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# Incentive Offerings

- **On-street Parking**

On-street parking is a feature of the central oval area, contributing to the urban character of this node that centralizes the site and serves as a focal point for the community at large. The roadway around the oval is designed to carry one-way traffic in one 18-foot wide lane (required for 60-degree angled parking per Land Development Code §34-216). The parking spaces are 60-degree angled spaces. The traffic calming characteristic of the oval's geometry will slow traffic. The one-way, one-lane system reduces the complexity for drivers compared to a two-way street. On-street parking is an urban concept that makes for convenient public access to buildings and contributes to traffic calming because drivers must be observant of the parking movements, unlike moving through a thoroughfare with no on-street parking. On-street parking also improves the pedestrian quality of this central node, because the cars parked in the angled spaces serve as a buffer between the travelway and the pedestrians walking along the building fronts.

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Commercial parking ratios are not reduced, and commercial area parking will be open and available to the public.

- **Construct Civic Improvements**

Construction of the central oval area as publicly accessible open space/green space within a publicly accessible roadway corridor is a substantial civic improvement.

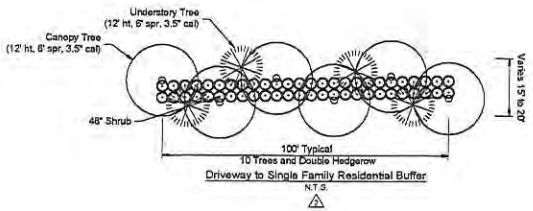
The cost for design and construction of the roadway, on-street parking, sidewalks, and green space is estimated at $200,000-300,000. This does not include the cost of the land, the cost to treat and attenuate stormwater associated with the roadway, or the cost to maintain the facilities over time.

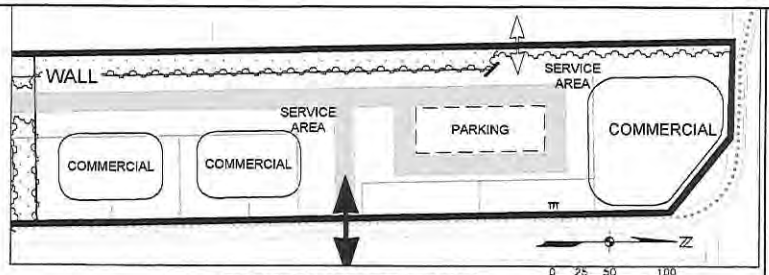
- **Removal of Billboard**

There is an existing, income-producing billboard on the subject site, positioned along Corkscrew Road. In consideration of the Village Center objectives to maintain an attractive community character and appearance, the applicant agrees to remove this asset prior to the start of any construction.

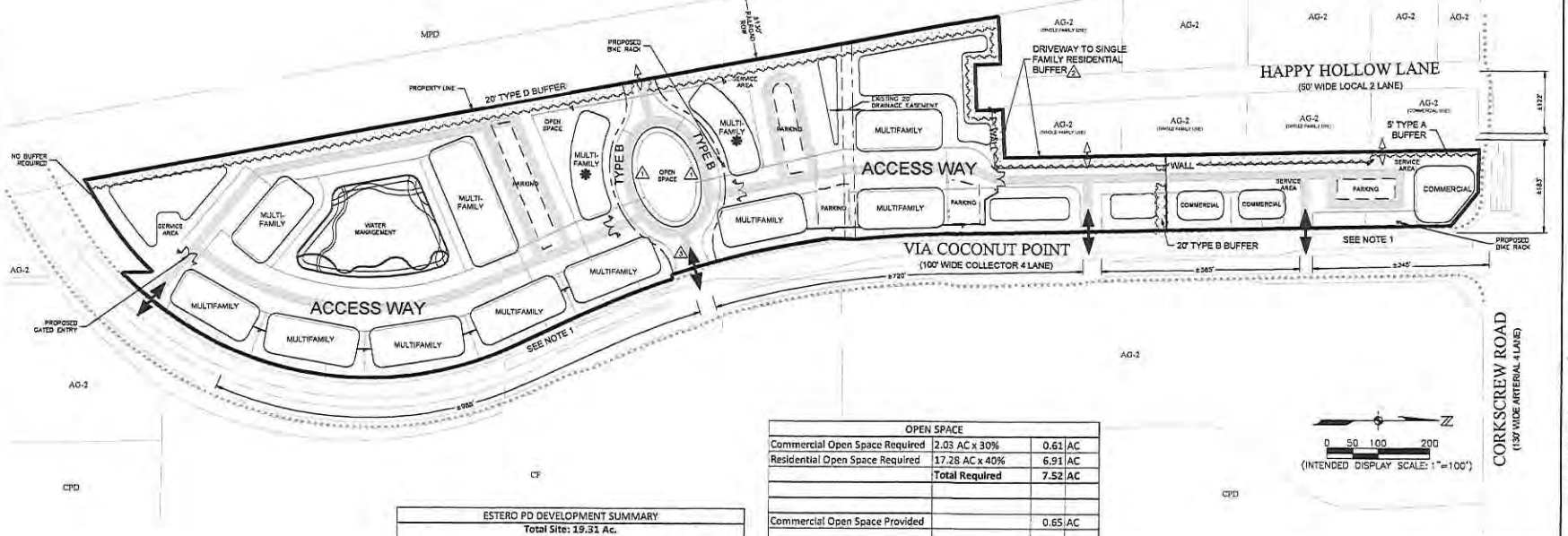
# ATTACHMENT C

## Master Concept Plan




COMMERCIAL AREA DETAIL (2.03AC)




| ESTERO PD DEVELOPMENT SUMMARY | | |
|---|---|---|
| **Total Site: 19.31 Ac.** | | |
| Tier 1 & Tier 3 | | |
| **COMMERCIAL AREA** | | MAX. Building Height |
| 2.03 AC | | |
| **Total Proposed Commercial Building Area** | **22,000 SF** | **3 stories/45'** |
| | | |
| **RESIDENTIAL AREA** | | MAX. Building Height |
| 17.28 AC | | |
| **Total Proposed Residential Units** | **297 UNITS** | **3 stories/45'** |
| **Total Proposed Non-Residential Building Area*** | **8,000 SF** | **3 stories/45'** |
| Residential units may be developed as multifamily buildings or townhouses, not to exceed 297 units. Ground Floors of two buildings indicated on the MCP with * may contain community amenity uses or commercial uses. | | |

| OPEN SPACE | | | |
|---|---|---|---|
| Commercial Open Space Required | 2.03 AC x 30% | 0.61 | AC |
| Residential Open Space Required | 17.28 AC x 40% | 6.91 | AC |
| | **Total Required** | **7.52** | **AC** |
| | | | |
| | | | |
| Commercial Open Space Provided | | 0.65 | AC |
| | | | |
| Residential Open Space Provided | | | |
| Buffer | | 2.04 | AC |
| Dry Detention Areas | | 1.34 | AC |
| Lake Area | | 0.99 | AC |
| Other Open Space | | 2.92 | AC |
| | *Sub-Total* | *7.29* | *AC* |
| | **Total MPD Provided** | **7.94** | **AC** |

NOTES

Open Space standards for Mixed Use Planned Developments is set forth by LDC Section (34-935(g)(5)).

Individual lots shall provide 10% open space per LDC Section 34-414(c).

No Indigenous Plant Communities are located onsite. Any Sabal Palms 8' CT or greater shall be preserved or re-located onsite.

NOTE(S):
1. FRONTAGE ALONG VIA COCONUT POINT AND CORKSCREW ROAD IS SUBJECT TO STREETSCAPE DESIGN PER SUBDIVISION I OF DIVISION 3 OF ARTICLE II OF CHAPTER 33 LDC.
2. BUFFER TYPES ARE PER CHAPTER 33 PLANNING COMMUNITY REGULATIONS.
3. FUTURE POTENTIAL INTERCONNECTIONS ARE INDICATED TO REPRESENT POTENTIAL FOR ONSITE IMPROVEMENTS TO TIE INTO ADJOINING PROPERTIES IF AND WHEN CONNECTING INFRASTRUCTURE IS AVAILABLE ON THE ADJOINING SITE.

* GROUND FLOORS OF THESE BUILDINGS TO CONTAIN AMENITY OR COMMERCIAL USES (MAXIMUM TOTAL OF 8,000 GROSS SQUARE FEET).

LEGEND
- ACCESS POINTS
- SECONDARY VEHICULAR CIRCULATION
- EXISTING SIDEWALK
- CONCEPTUAL PEDESTRIAN PATH
- PROPOSED BUFFER
- DEVELOPMENT AREA
- DRY DETENTION

JOHNSON ENGINEERING
JOHNSON ENGINEERING, INC.
2122 JOHNSON STREET
FORT MYERS, FLORIDA 33901
PHONE: (239) 334-0046
FAX: (239) 334-3661
E.B. #642 & L.B. #642

FOCUS DEVELOPMENT GROUP

VIA COCONUT MPD
ESTERO PD
VILLAGE OF ESTERO, FLORIDA

REVISIONS

| NO. | DESCRIPTION | DATE |
|---|---|---|
| 1 | RESPONSE TO SUFFICIENCY #1 | 03/2015 |
| 2 | ADDED ADDITIONAL PARCEL | 04/2015 |

DATE: SEPTEMBER 2014
PROJECT NO. 20149788-000
FILE NO. 33-46-25
SCALE: AS SHOWN

DEVELOPMENT PLAN

SHEET NUMBER
1 OF 1

\\Vms01\Drawings\2014\20149788-000\Planning\MCP\149788-000-MCP7.dwg (Layout1) TUE Jun 10, 2015 - 9:03am

# ATTACHMENT D

## Village Center Comprehensive Plan Amendment Staff Report

## (March 24, 2016)

# VILLAGE OF ESTERO

## COMPREHENSIVE PLAN AMENDMENT
## STAFF REPORT

# VILLAGE CENTER
# CPA 2016-01

## (PUBLICLY SPONSORED AMENDMENT)

**Village Council**

**March 30, 2016 Public Hearing**

**CASE NAME:** VILLAGE CENTER

**CASE TYPE:** COMPREHENSIVE PLAN MAP AND TEXT AMENDMENT (PUBLICLY INITIATED)

**CASE NUMBER:** CPA 2016-01

**VILLAGE COUNCIL TRANSMITTAL HEARING:** MARCH 30, 2016

## REQUEST SUMMARY

The Village of Estero is proposing a series of map and text amendments to its Comprehensive Plan and Land Development Code to support compact walkable development patterns in certain areas near US 41 referred to as the Village Center. These areas are anticipated to include employment, housing, shopping, recreation, and civic uses.

The request being considered by the Village Council on March 30 is limited to the Comprehensive Plan amendments, which would have the greatest effect on about 522 acres of land located near US 41 from the city limits with Bonita Springs north to just south of Broadway.

An important feature of these amendments is a new category on the Future Land Use Map to be called "Village Center." In this category, higher densities may be allowed if certain criteria are met. Final density decisions would be made by the Village Council at the time of rezoning.

Four 'tiers' or levels of development would be described in detail in the Land Development Code. As higher tiers are requested by developers, the allowable 'base density' increases and the code's criteria increase correspondingly. Additional density may be available in exchange for public features offered by developers such as enhanced streetscapes, public hiking and bicycling trails, gathering places (including outdoor cafes), and other amenities or improvements; these increases are called 'incentive density.' Density limits for both types of density are summarized in the following chart.

| | *(densities in units per acre)* | | |
|---|---|---|---|
| | **Base Density** | **Incentive Density** | **Maximum Density** |
| **Tier 1** | Up to 6 | Up to 3 | 9 |
| **Tier 2** | Up to 10 | Up to 4 | 14 |
| **Tier 3** | Up to 15 | Up to 5 | 20 |
| **Tier 4** | Up to 21 | Up to 6 | 27 |

Detailed code requirements and potential incentive offers will be described in detail in Land Development Code Amendments, which will be adopted concurrently with final approval of these Comprehensive Plan amendments.

## APPLICATION SUMMARY

**Project Name:** Village Center

**Applicant:** Village of Estero

**Requests:** Amend the Future Land Use Element of the Comprehensive Plan:

- Amend Lee Plan Map 1 (Page 1 of 8 of the Future Land use Map) to establish a new "Village Center" land use category and to redesignate about 522 acres of land into this new category
- Amend Lee Plan Map 1 (Page 6 of 8) to remove the "Mixed- Use Overlay" from land being designated into the new "Village Center" category
- Amend policies under Objective 1.1
- Amend policies under Goal 19
- Delete Goals 12 through 18 and 20 through 35 and all objectives & policies under these goals
- Amend Objective 2.12, 4.2, and 4.3 and policies under them
- Amend Goal 6 and policies & standards under Objective 6.1

Amend the Glossary

Amend Tables 1(a) and 1(c)

**Size of Property:** 522 acres will be designated into the "Village Center" category; none of that land will remain in the "Mixed-Use Overlay"

**Property Location:** The "Village Center" category is near US 41, beginning at the Village limits with Bonita Springs and ending just south of Broadway (see Attachment B).

**Current Zoning:** Much of the affected land has been zoned into one of the Planned Development zoning districts (see Attachment D).

**Future Land Use Categories:** **(current)** in Village Center area; see map in Attachment A

| | | |
|---|---|---|
| **Urban Community** | 347 acres | (66.5%) |
| **Suburban** | 112 acres | (21.5%) |
| **Outlying Suburban** | 9 acres | (1.7%) |
| **Public Facilities** | 54 acres | (10.3%) |

**Allowable Densities:** (in current categories being changed to Village Center):

| Future Land Use Category | Standard (Base) Density Range | | Bonus Density |
|---|---|---|---|
| | *Minimum* | *Maximum* | *Maximum* |
| **Urban Community** | 1 | 6 | to 10 |
| **Suburban** | 1 | 6 | *no bonus* |
| **Outlying Suburban** | 1 | 3 | *no bonus* |
| **Public Facilities** | n/a | n/a | *no bonus* |

**FEMA Floodway:** A FEMA-designated floodway runs along the Estero River through the Village Center category.

**Historic Resources:** Part of the Village Center category is within level 2 sensitivity areas for archeological and historic resources. About 10 acres of the Koreshan Unity National Register Historic District is east of US 41 on the south bank of the Estero River and would be in the new "Village Center" category.

## PUBLIC MEETINGS

Public meetings or workshops have been held on the following dates to discuss the evolving Village Center planning effort:

- In 2016: March 9, March 8, January 12
- In 2015: October 28, August 18

On March 22, 2016 the Planning and Zoning Board held a public hearing to consider these comprehensive plan amendments.

## PROJECT HISTORY

As the real estate market was beginning to recover from the recession, a community planning initiative was sponsored by a coalition of Estero community organizations to anticipate changing demographic trends and their impact on Estero. That process included a detailed market assessment and an extended planning workshop to explore development scenarios for a surplus of commercially zoned land near US 41.

A possible framework for the development of the remaining vacant tracts in Estero was presented through a series of community meetings. This framework was based on the principles of compact, walkable, transit supportive, mixed-use development, with an emphasis on employment, housing variety, and recreational and civic uses. These principles could guide Estero toward a more sustainable model for future development that serves current residents of Estero while anticipating the needs and desires of future residents.

Findings from the community planning initiative were documented in three reports:

- *Estero Community Market Assessment* (September 2013, by Peloton Research Partners)
- *Estero Planning Workshop: February 24-27, 2014* (March 2014, by Seth Harry & Associates)
- *Community Planning Initiative, Final Report* (January 2015, by Seth Harry & Associates and Spikowski Planning Associates)

The market assessment was based on conditions in 2013. Since that time, real estate development has recommenced in Estero at a rapid pace. Lee Memorial Health System is about to develop a 31-acre site as a walkable mixed-use medical complex with complementary shops and services that are integrated with surrounding uses. Private developers are providing additional commercial uses and several smaller luxury gated communities that fit the prior Estero model, plus housing types that are new to Estero including apartment complexes and specialized housing with related medical care. The renewed economic activity and its diversity is welcome after the lengthy recession, but should be well-planned.

Additional data and analysis for these comprehensive plan amendments includes:

- *Land Use Scenarios for Lee County, Florida* (January 2015, by the Lee County Metropolitan Planning Organization)
- All data and analysis supporting amendments to the Estero Community Plan (Goal 19 and its objectives and policies) as adopted in late 2014.

The Village Council authorized the preparation of Comprehensive Plan and Land Development Code amendments in May 2015 through a consulting contract. The planning team included Bill Spikowski of Spikowski Planning Associates and urban designer Seth Harry of Seth Harry & Associates. These Comprehensive Plan amendments were prepared as part of that effort.

## STAFF SUMMARY & ANALYSIS

The comprehensive plan amendments proposed in this report affect several different portions of the Comprehensive Plan. The following summary highlights the most significant changes. The map amendments are shown in Attachments B and C. The complete amendment language is provided in Attachment F. All three attachments were revised through March 24 to respond to ongoing input and comments.

### Policy 1.1.12 and Map 1 (Page 1 of 8):

This policy would establish a new "Village Center" category on the Future Land Use Map:

> ***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 Urban Community category unless land is rezoned as a planned development to apply alternate tiered standards for*

*the Village Center Area as described under Objective 19.8. Densities in the Village Center Area may exceed the standard density ranges in Table 1(a) only if the Village Council applies the alternate tiered standards through rezoning.*

The Future Land Use Map would be amended to include about 522 acres of land into this category (see Attachment B). Owners of land in this new category could participate in the new tiered standards by requesting rezoning.

**Policy 19.4.6:**

A new Policy 19.4.6 would be added to expand on and replace existing Policy 19.4.2.f. The new policy would implement recommendations from the Lee County Metropolitan Planning Organization about preserving the rail corridor for future transportation purposes (potentially including enhanced freight service; commuter rail, light rail, or bus rapid transit; and hiking/biking/walking trails). The corridor bisects Fort Myers, Estero, and Bonita Springs and terminates in far northern Collier County.

The rail corridor is ideal for trails and bike paths because it would link most of Estero to destinations to the north and south without requiring walking or biking on busy roads. Trails and bike paths can be placed alongside active railroad tracks (known as 'rails-with-trails') or using abandoned rail corridors ('rails-to-trails'). Because the CSX / Seminole Gulf rail corridor is important for many transportation purposes, the MPO recommended the 'rails-with-trails' approach. The right-of-way is wide enough in most places to accommodate multiple uses including trails. The MPO recently identified the rail corridor as the preferred location for the critical north-south corridor for a system of greenways and trails in Collier and Lee Counties.

The rail corridor is owned and controlled by two private entities: CSX and Seminole Gulf Railway. CSX owns the land within the right-of-way. Seminole Gulf Railway has a long-term lease on the land to operate freight rail service; Seminole Gulf also owns and maintains the tracks and rolling stock.

The MPO concluded that in order to maintain options for multiple uses of this corridor, a public entity such as Florida DOT should pursue purchasing real estate interests in the rail corridor. (Lee County Rail Corridor Feasibility Study, October 2013)

**Policy 19.6.3:**

Policy 19.6.3 addresses the Estero Community Park with suggestions for integrating the park with the surrounding neighborhoods by constructing the originally planned westerly entrance onto Via Coconut Point.

**Policy 19.7.3:**

Policy 19.7.3 is being updated to avoid inconsistencies with the Village's Ordinance 15-01 that established advisory boards and updated the standards for public information meetings.

**Objective 19.8 and subsequent policies:**

The new policies following Objective 19.8 amplify Policy 1.1.12's general description of the new Village Center category and describe in general terms how the new tiered process would work, including the maximum allowable densities.

**Goal 19 Generally:**

Numerous minor editorial and updating changes are also proposed, for instance to reflect the jurisdiction of the Village of Estero rather than Lee County.

**Goals 12 through 18 and 20 through 35:**

These goals and their objectives and policies are being deleted; they apply only to other communities in unincorporated Lee County.

**Objectives 4.2 and 4.3 and Map 1 (Page 6 of 8):**

These objectives contain policies that apply to Lee County's "Mixed-Use Overlay."

This overlay would remain in effect for land outside the Village Center area where it would be applied in accordance with the modified terms under these objectives.

For land within the Village Center Area, this overlay would be removed. However, Policy 4.2.1 would be modified to indicate that development approvals that had been based on a property having been within the prior mixed-use overlay may request minor modifications to those approvals if they would not increase the previously approved densities and intensities.

Attachment C shows the existing Mixed-Use Overlay and land being redesignated to Village Center where the overlay will no longer apply.

**Glossary:**

The Glossary would be expanded by adding definitions for "mixed-use pattern" and "walkable," terms that are used in the policies but which aren't currently defined. The existing definition of "mixed use" would be deleted because it refers to individual development projects rather than to the development pattern that supports mixed uses; a more relevant definition of "mixed use" would replace it.

**Table 1(a):**

Table 1(a) would be amended to include the Village Center Area.

**Table 1(c):**

Table 1(c) would be deleted entirely.

**Future Land Use Map:**

Map 1 of 8 would be amended to redesignate about 522 acres of land from Urban Community, Suburban, Outlying Suburban, and Public Facilities to the new Village Center category.

Map 6 of 8 which includes the Mixed-Use Overlay would also be amended to remove the Mixed-Use Overlay where the Village Center category is being applied, as shown on Attachment C.

**Vision statement:**

Vision statements for 25 distinct communities in unincorporated Lee County are presented at the beginning of the Comprehensive Plan. The vision statement for Estero was updated in late 2014; it is reprinted on Page 1 of Attachment F but no additional changes are needed.

## STAFF SUMMARY AND FINDINGS

Village Ordinance 2015-01 assigned the Planning and Zoning Board to serve as the Village's local planning agency. Under Florida law, local planning agencies are responsible for preparation of comprehensive plans and must hold a public hearing on all proposed amendments and make a recommendation on such amendments. Estero's Planning and Zoning Board held its public hearing on these amendments on March 22, 2016

The Village Council must hold its own public hearing and decide whether the amendments should be "transmitted" to state and regional agencies for formal review (or "not transmitted"). After formal review, the Village Council will hold another public hearing to make a final decision to adopt or not adopt the amendments.

Issues to be considered by the Village Council Board include:

- Do the amendments further the Village's policy goals in an effective and equitable manner?
- Are the amendments based on sound planning principles and appropriate data and analysis?
- Will the Comprehensive Plan be internally consistent if the amendments are adopted?

Staff recommends that the Village Council find in the affirmative on each of these criteria and vote to transmit these amendments for formal review at this time but to withhold final approval of these amendments until the Land Development Code can also be amended to provide suitable criteria for carrying out the Comprehensive Plan amendments.

Several maps are provided as attachments to this report. The most important are Attachment B which shows the new "Village Center" category and Attachment C which shows where the Mixed-Use Overlay would no longer apply.

The full text of the comprehensive plan amendments are presented in Attachment F immediately after the maps. Additions are shown underlined; deletions are ~~struck through~~; both additions and deletions are also highlighted in yellow.

## ATTACHMENTS

Attachment A – Future Land Use Map (existing)

Attachment B – Future Land Use Map (area being changed to "Village Center") (modified on March 24, 2016)

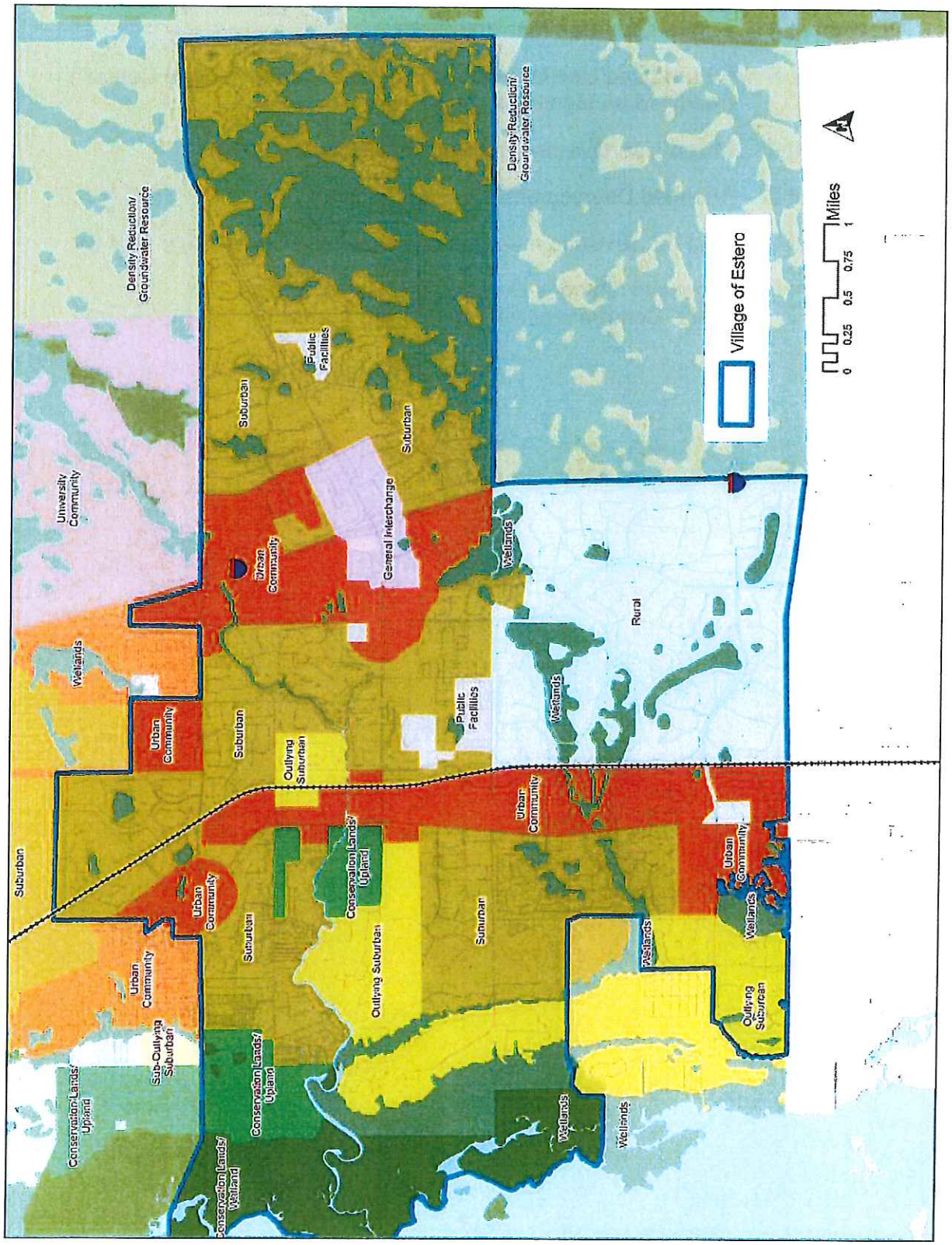
Attachment C – Mixed-Use Overlay (modified on March 24, 2016)

Attachment D – 'Planned Development' Zoning (existing)

Attachment E – Map 3E (existing map that is referred to in new Policy 19.4.6)

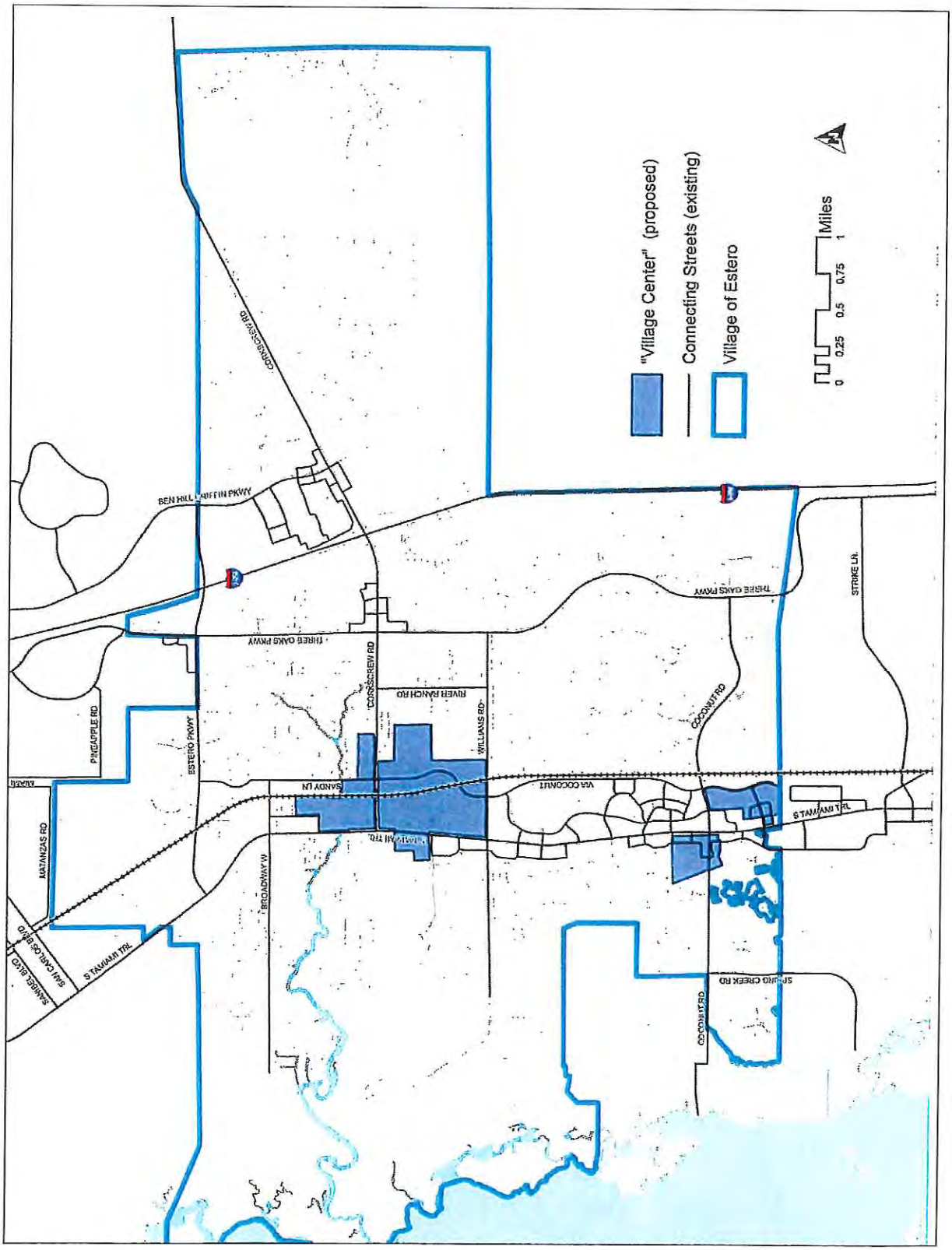
Attachment F – Proposed changes to goals, objectives, and policies of the Comprehensive Plan (Draft, March 24, 2016).

## Attachment A – Future Land Use Map (existing)



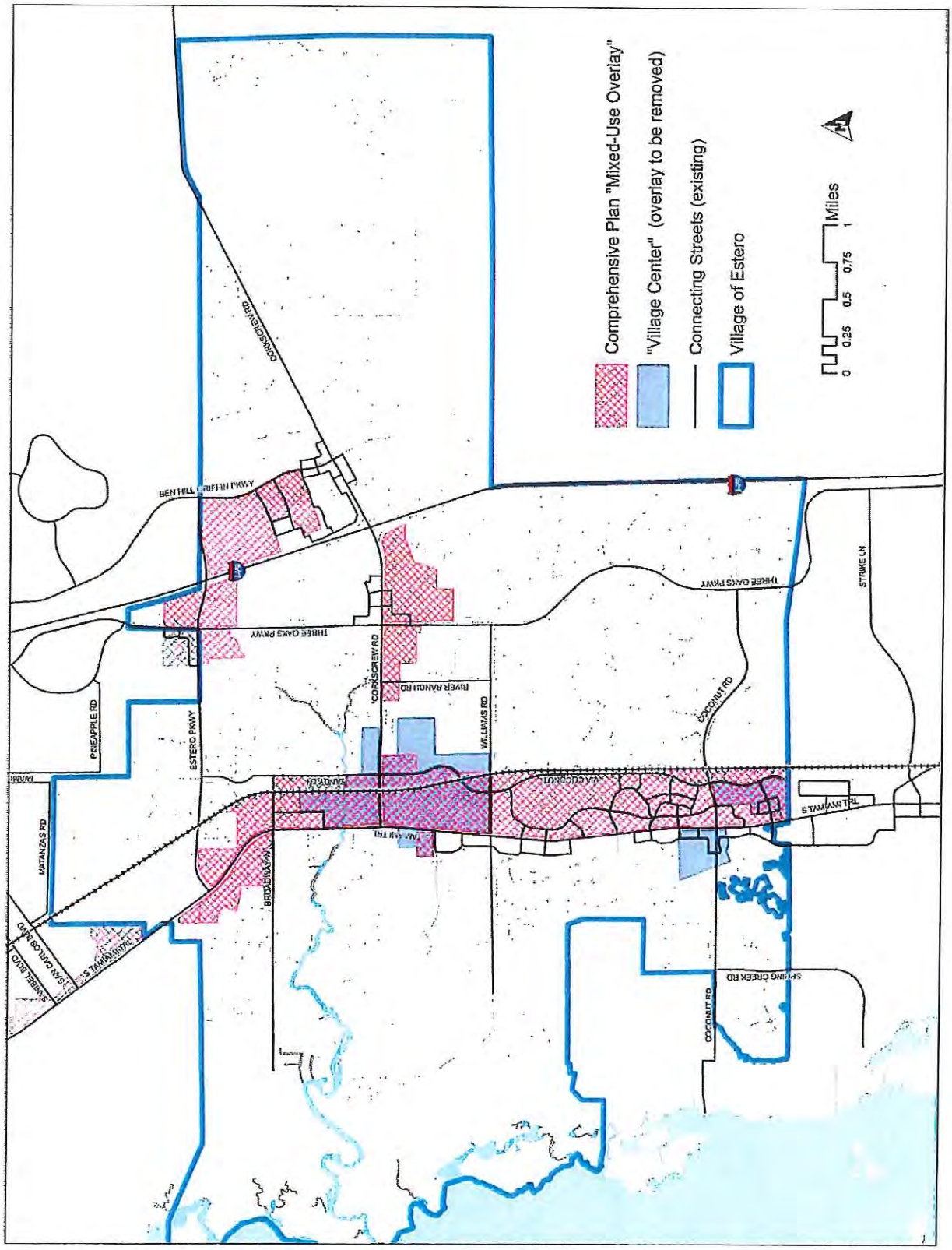

*Report Date: March 24, 2016*

**Attachment B – Future Land Use Map**
(area being changed to "Village Center")



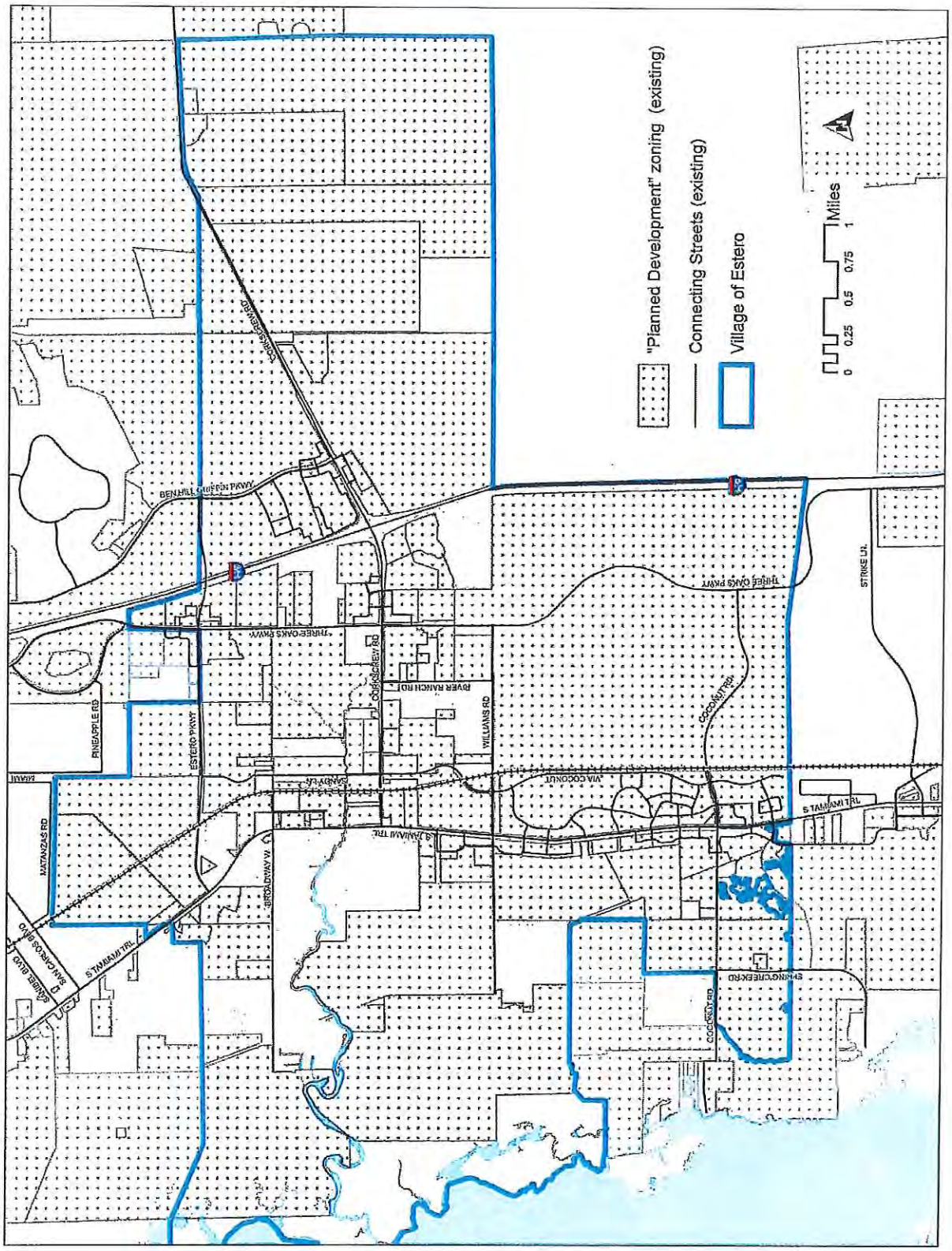

*Report Date: March 24, 2016*

**Attachment C – Mixed-Use Overlay**
(existing overlay plus "Village Center" area being removed from overlay)



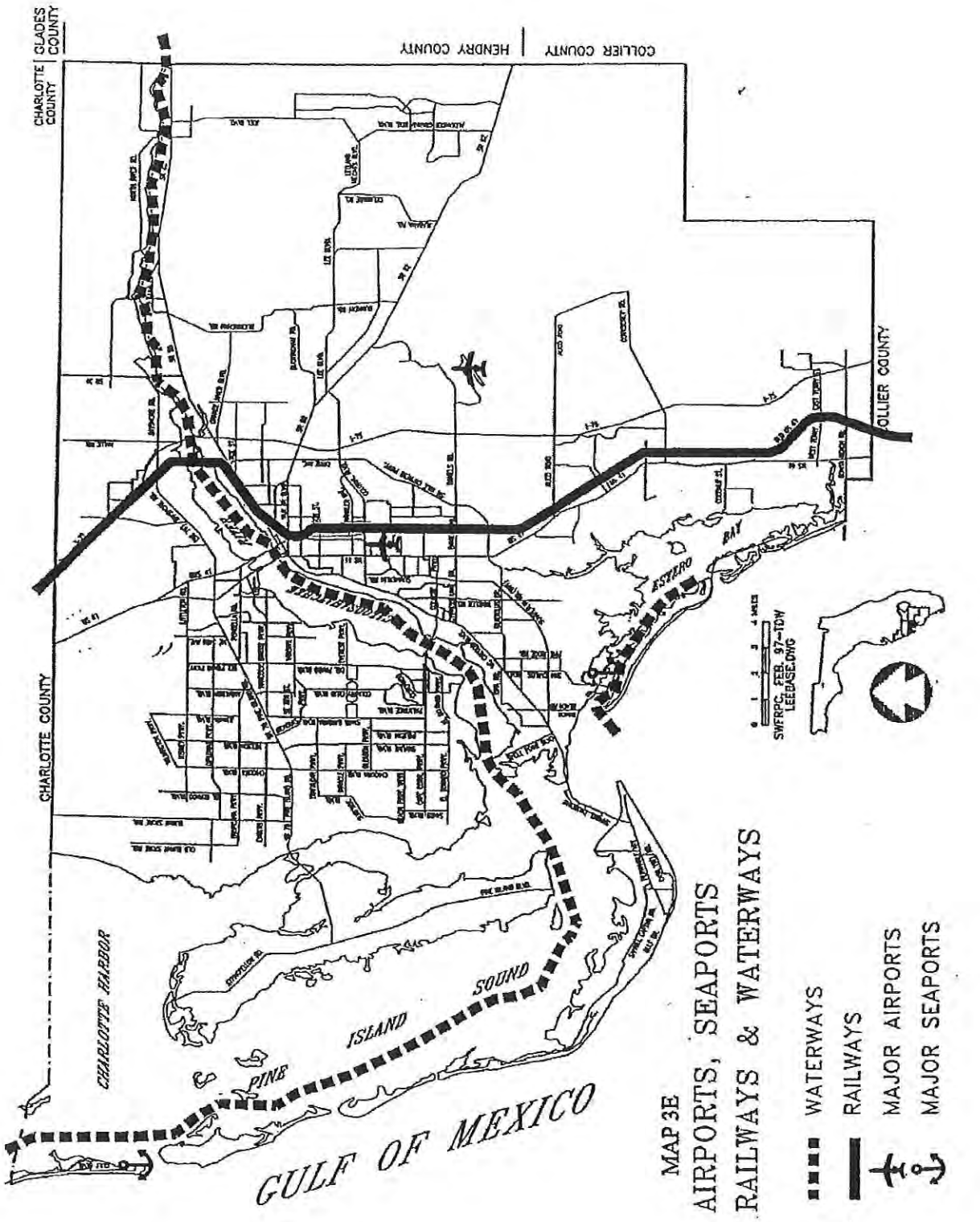

*Report Date: March 24, 2016*

## Attachment D – 'Planned Development' Zoning (existing)




*Report Date: March 24, 2016*

## Attachment E – Map 3E (existing)




MAP 3E – PAGE 1 OF 1

# ATTACHMENT E

## Village Center Comprehensive Plan Amendments CPA 2016-01

## (March 24, 2016)

The Village of ESTERO

# VILLAGE OF ESTERO

# *Comprehensive Plan Amendments*

## Village Center
## CPA 2016-01

Proposed by the Village of Estero

March 24, 2016 Draft

Language to be added is underlined.

Language to be removed is ~~struck through~~.

New language and language to be removed is also highlighted.

# I. Lee County - A Vision for 2030

**21. Estero** - To establish a community that embraces its historic heritage and protects the environment, while carefully planning for future development resulting from a desirable high quality of life, expanding economic opportunities, and proximity to Florida Gulf Coast University and the Southwest Florida International Airport. Estero's growth will be planned with strong neighborhoods, diverse economic generators, interconnected mixed-use centers, varied parks, public spaces, recreational facilities, and unique natural environments that fosters a sense of belonging and creates a sense of place. Estero will be a highly valued place to live, work, and visit because of development standards and design guidelines that promote:

1) desirable neighborhoods and public amenities;
2) vibrant economic centers;
3) attractive landscaping, streetscaping, lighting, signage, and architectural features; and
4) an interconnected transportation network.

The implementation of this vision will successfully link residential and commercial areas and uphold Estero as a vibrant Lee County community. *(Amended by Ordinance No. 14-16)*

# II. Future Land Use

**GOAL 1: FUTURE LAND USE MAP.** To maintain and enforce a Future Land Use Map showing the proposed distribution, location, and extent of future land uses by type, density, and intensity in order to protect natural and man-made resources, provide essential services in a cost-effective manner, and discourage urban sprawl.

**OBJECTIVE 1.1: FUTURE URBAN AREAS.** Designate on the Future Land Use Map (Map 1) categories of varying intensities to provide for a full range of urban activities. These designations are based upon soil conditions, historic and developing growth patterns, and existing or future availability of public facilities and services. (The Future Land Use Map series also contains Map 2 and additional maps located in the appendix. A colored wall-size reproduction of Map 1 is also available.)

**POLICY 1.1.1:** The Future Land Use Map contained in this element is hereby adopted as the pattern for future development and substantial redevelopment within the Village of Estero ~~unincorporated portion of Lee County~~. Map 16 and Table 1(b) are an integral part of the Future Land Use Map series (see Policies 1.7.6 and 2.2.2). They depict the extent of development through the year 2030. No development orders or extensions to development orders will be issued or approved ~~by Lee County~~ which would allow the Planning Community's acreage totals for residential, commercial or industrial uses established in Table 1(b) to be exceeded (see Policy 1.7.6). The cities of Fort Myers, Cape Coral, Sanibel, Bonita Springs, the ~~and~~ Town of Fort Myers Beach, and unincorporated Lee County are depicted on these maps only to indicate the approximate intensities of development permitted under their comprehensive plans ~~of these cities~~. Residential densities are described in the following policies and summarized in Table 1(a). *(Amended by Ordinance No. 94-29, 98-09, 07-12, 07-13)*

**POLICIES 1.1.2 through 1.1.11:** *[no changes]*

**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.

**POLICY 1.7.6:** The Planning Communities Map and Acreage Allocation Table (see Map 16 and Table 1(b) and Policies 1.1.1 and 2.2.2) depicts the proposed distribution, extent, and location of generalized land uses for the year 2030. Acreage totals are provided for land in each Planning Community in unincorporated Lee County. No development orders or extensions to development orders will be issued or approved by Lee County that would allow the acreage totals for residential, commercial or industrial uses contained in Table 1(b) to be exceeded, except in Estero's Village Center Area. This policy will be implemented as follows:

1. For each Planning Community the County will maintain a parcel based database of existing land use. The database will be periodically updated at least twice every year, in September and March, for each Planning Community.
2. Project reviews for development orders must include a review of the capacity, in acres, that will be consumed by buildout of the development order. No development order, or extension of a development order, will be issued or approved if the project acreage, when added to the acreage contained in the updated existing land use database, exceeds the limitation established by Table 1(b), Acreage Allocation Table regardless of other project approvals in that Planning Community. For limerock mining in Planning Community #18, see special requirements in Policy 33.1.4 regarding industrial acreages in Table 1(b).
3. At each regularly-scheduled date for submission of the Lee Plan Evaluation and Appraisal Report, the County must conduct a comprehensive evaluation of Planning Community Map and the Acreage Allocation Table system, including but not limited to, the appropriateness of land use distribution, problems with administrative implementations, if any, and areas where the Planning Community Map and the Acreage Allocation Table system might be improved.

*(Amended by Ordinance No. 94-29, 98-09, 00-22, 07-13, 10-20)*

~~GOAL 12: SAN CARLOS ISLAND.~~

*[repeal Goal 12 and associated objectives and policies]*

~~GOAL 13: CAPTIVA.~~

*[repeal Goal 13 and associated objectives and policies]*

~~GOAL 14: GREATER PINE ISLAND.~~

*[repeal Goal 14 and associated objectives and policies]*

~~GOAL 16: PRIVATE RECREATIONAL FACILITIES IN THE DR/GR.~~

*[repeal Goal 16 and associated objectives and policies]*

~~GOAL 17: BUCKINGHAM.~~

*[repeal Goal 17 and associated objectives and policies]*

~~GOAL 18: UNIVERSITY COMMUNITY.~~

*[repeal Goal 18 and associated objectives and policies]*

**GOAL 19: ESTERO COMMUNITY PLAN.** Promote the development of Estero as a community with a unique quality of life, distinct character, and diverse housing, economic, recreational, and social opportunities by:

a. Protecting the natural resources, environment, and lifestyle;

b. Establishing minimum aesthetic and design requirements;

c. Managing the type, location, quality, design and intensity of future land uses;

d. Providing greater opportunities for public participation in the land development approval process; and

e. Promoting a true sense of place in Estero. *(Added by Ordinance No. 14-16)*

**OBJECTIVE 19.1: CHARACTER & LAND USE.** Promote community character through the implementation of planning and development practices that create a visually attractive community, an enhanced quality of life, and foster a unique sense of place. *(Added by Ordinance No. 14-16)*

**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~~ comprehensive 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~~ comprehensive plan policies and LDC standards. *(Added by Ordinance No. 14-16)*

**POLICY 19.1.2:** ~~Lee County~~ The Village of Estero may not approve any proposed project that is inconsistent with ~~the Lee Plan~~ this comprehensive plan including, specifically, the Estero Community Plan set forth in Goal 19 and its objectives and policies. Wherever there is a conflict between the provisions of the Estero Community Plan and other provisions of the comprehensive Plan or Land Development Code, it is specifically intended that the Estero Community Plan will be given priority and superiority. Projects will be reviewed through a public process that includes the Estero community, property owners, and Village staff, land use boards, and officials ~~Lee County staff~~ to ensure that the development is consistent with the Estero Community Plan. *(Added by Ordinance No. 14-16)*

**POLICY 19.1.3:** Encourage new developments that achieve the Estero community's vision and planning goal and policies and are consistent with mixed-use design, architectural, location, connectivity and public access standards by establishing and implementing development incentives within the ~~Lee Plan~~ comprehensive plan and Land Development Code that:

a. Promote ~~urban integrated forms of~~ mixed use patterns in targeted areas, especially those designated Village Center on the future land use map or identified on the Mixed-Use Overlay;

b. Promote targeted industries in appropriate areas of Estero—e.g.: healthcare, arts and culture, technology, and research and development facilities;

c. Promote the use of green design, sustainable energy, water, and other environmental features;

d. Expedite development projects particularly in targeted incentive zones where the community has adopted mixed-use plans and LDC standards; and

e. Enable infill of underutilized commercial and residential lands.~~; and~~

f. ~~Encourage residential developments to use the bonus density established through the Lee Plan Urban land use categories.~~ *(Added by Ordinance No. 14-16)*

**POLICY 19.1.4:** Facilitate the redevelopment of properties constructed prior to the adoption of Estero ~~Lee Plan~~ Plan policies and LDC regulations by establishing incentives ~~(including, but not limited to, utilization of Bonus Densities established through the Lee Plan Urban land use categories)~~ and streamlined development processes that enable older properties to come into compliance with adopted ~~Lee Plan~~ comprehensive plan policies and LDC standards. *(Added by Ordinance No. 14-16)*

**POLICY 19.1.5:** Recognize the unique historical and cultural values of the Village of Estero by establishing and implementing development incentives and regulations within the ~~Lee Plan~~ comprehensive plan and Land Development Code that:

a. Encourage the development of the Old Estero area into a mixed-use center;

b. Incorporate design features of Estero's historic structures into future architectural design, streetscape, and community-wide LDC standards; and

c. Identify, protect, and promote historic resources and facilities such as those related to Koreshan Park, Old Estero area, and the Estero Community Park. *(Added by Ordinance No. 14-16)*

**POLICY 19.1.6:** Establish and promote Estero's unique character and identity by enhancing the community's boundaries through the use of gateway entry features such as ornamental landscape features, hardscape elements and Estero identification signs. Encourage the construction of~~, where feasible, that~~ gateways ~~are constructed~~ by working with the Lee County and Florida Departments of Transportation and private property owners~~, to build the gateways at appropriate locations.~~ *(Added by Ordinance No. 14-16)*

**POLICY 19.1.7:** Explore opportunities to identify, prioritize, and fund local capital improvement projects (particularly projects that enhance transportation and infrastructure systems) within the Estero community. Evaluate the feasibility of local, dedicated funding options—e.g.: MSBU, Tax Increment Finance District, or other similar mechanism. Capital projects that could be targeted for such funding include:

a. Streetscape improvements such as roadway pavers, street furniture, street signs and lighting, trash receptacles, and other hardscape features—particularly in Old Estero and within new mixed-use centers;

b. Pedestrian scale lighting;

c. Landscaping and hardscape features—particularly along US 41;

d. Public trails and greenways facilities;

e. Blue way facilities that provide public access to Estero River;

f. Multi-modal transportation facilities that expand or establish pedestrian, bike, transit, and rail services;

g. Public space, park, and recreational facilities;

h. Urban level infrastructure services and systems within mixed-use center areas; and

i. Historic resources and facilities such as those associated with the Koreshan Park and Estero Community Park. *(Added by Ordinance No. 14-16)*

**OBJECTIVE 19.2: MIXED-USE CENTERS AND ECONOMIC AREAS.** Promote Estero's quality of life and diverse local economy by fostering the development of mixed-use centers and targeted economic areas, as a preference over the development of strip commercial centers. The aim of the mixed-use centers is to provide Estero with central gathering places for Estero's residents, business people, and visitors. The aim of the economic areas is to provide the community a diverse employment and economic base while meeting the commercial, professional, and service needs of the people who live, work, and play within the community. *(Added by Ordinance No. 14-16)*

**POLICY 19.2.1:** Where feasible, provide for the development of walkable mixed-use ~~town~~ centers and economic areas featuring diverse housing options; government offices and public facilities; medical facilities; employment centers; public gathering places, parks, outdoor plazas, and other public spaces; greenway trails and pathways; and public access to the community's natural resources through ~~Lee Plan~~ comprehensive plan policies and LDC regulations that support Estero's distinct community character and the following community priorities:

a. Support the development of a ~~central town~~ village center to unify the community;

b. Improve the connectivity between Estero's residential neighborhoods, economic areas, civic uses, and park and recreational facilities;

c. Diversify the community's economic base and employment opportunities;

d. Encourage the development of targeted industry clusters—particularly health industries, professional services and businesses, and technology, research, and development;

e. Expand multi-modal transportation options through improved pedestrian access, bikeways, transit service, and rail opportunities;

f. Improve access to the community's blueways—particularly the Estero river—, greenway trails, other open spaces;

g. Promote the community's cultural and historic resources; public spaces, parks, and recreational facilities; and other community amenities;

h. Provide ample and varied public gathering places, including, without limitation, parks, plazas, sidewalks, benches, restaurants, shops, civic spaces, green spaces, community recreation centers, and other recreational facilities;

i. ~~h. Commercial and mixed-use developments will~~ Maintain a unified and consistent aesthetic/visual quality in landscaping, architecture, lighting, and signage in all commercial and mixed-use developments; and

j. ~~i.~~ Promote and incentivize private investment within mixed-use centers and economic areas. *(Added by Ordinance No. 14-16)*

**POLICY 19.2.2:** Facilitate the development of a village ~~town~~ center for the Village of Estero through the development of LDC standards, plans, and incentives that address the community's need for a central civic and economic core that is connected to surrounding residential neighborhoods, commercial areas, the Estero River, the Old Estero area, the Estero Community Park, and other parks and recreational facilities. *(Added by Ordinance No. 14-16)*

**POLICY 19.2.3:** Establish a safe and desirable urban environment within the Estero community by adopting LDC standards that guide development in the community's major economic areas near FGCU, along the U.S. 41 corridor, along Corkscrew Road, and in the Old Estero area that:

a. Address streetscaping design and amenities, residential buffering standards, commercial center developments, signage, transportation facility needs, and other community concerns;

b. Provide for the economic and employment needs of the Estero community by utilizing the Mixed-Use Overlay to facilitate the development of mixed-use centers along the US 41, Corkscrew Road, Three Oaks Parkway, Ben Hill Griffin Parkway, Via Coconut/Sandy Lane, and in the Old Estero area; and

c. Encourage mixed-use centers at these locations. *(Added by Ordinance No. 14-16)*

**POLICY 19.2.4:** Ensure that future commercial and mixed-use developments meet the community's planning priorities by requiring that all new commercial development which requires rezoning within Estero must be rezoned to a Commercial (CPD), Mixed Use (MPD), or

Compact PD, as those districts may be amended from time to time. ~~Communities Planned Development (CCPD).~~ *(Added by Ordinance No. 14-16)*

**POLICY 19.2.5:** Except as set forth in Policy 19.2.5(a), the following uses are prohibited within Estero: "detrimental uses" (as defined in the Land Development Code, as amended); nightclubs or bar and cocktail lounges unless within a Group III Restaurant; tattoo parlors; and retail uses that require outdoor display in excess of one acre. Outdoor display in excess of one acre is permitted within the property located in the General Interchange Future Land Use Category west of I-75, south of Corkscrew Road, and east of Corkscrew Woodlands Boulevard. *(Added by Ordinance No. 14-16)*

**POLICY 19.2.5(a):** Nightclubs, bars, and cocktail lounges, which are not within a Group III Restaurant, may be permitted within a mixed use center approved as a Compact PD ~~CCPD~~ or MPD through the public hearing process. The Compact PD ~~CCPD~~ or MPD Project must include, at a minimum, a residential development of 1000 or more dwelling units and commercial development or activity which includes 1,000,000 square feet or more of floor area. These uses must be designed as part of an overall development project and placed within the project so that it is 1) located adjacent to entertainment and restaurant establishments and 2) located in the approximate center of the mixed-use development project. *(Added by Ordinance No. 14-16)*

**POLICY 19.2.6:** Encourage commercial developments within the Village of Estero to provide interconnect opportunities with adjacent commercial uses in order to minimize access points onto primary road corridors; and residential developments to provide interconnect opportunities with commercial areas, including, but not limited to, bike paths and pedestrian accessways. *(Added by Ordinance No. 14-16)*

**POLICY 19.2.7:** Encourage the development of medical-related uses within Estero by working with hospital officials ~~Economic Development Staff~~ and other private property owners to create ~~adopt~~ appropriate land use policies, land development standards, identify appropriate sites and locations, and establish incentives for the development of health related facilities. Particular emphasis will focus on establishing a medical economic center in this area of ~~in the southern section of~~ Estero along U.S. 41. *(Added by Ordinance No. 14-16)*

**POLICY 19.2.8:** Facilitate the development of professional, and research and development economic areas by working with Economic Development Staff and private property owners to adopt land development standards, identify appropriate sites and locations, and establish incentives for the development of professional and research and development facilities. Particular emphasis shall be on locating such facilities in areas that are in the proximity of FGCU educational resources and high technology facilities. *(Added by Ordinance No. 14-16)*

**OBJECTIVE 19.3: RESIDENTIAL NEIGHBORHOODS.** Support Estero's quality of life, promote the community's unique character through the development of diverse, well-designed, and well-connected residential neighborhoods, and provide for the needs of multigenerational community by supporting a variety of housing types and neighborhood development forms. *(Added by Ordinance No. 14-16)*

**POLICY 19.3.1:** Support and enhance Estero's residential character by establishing land development regulations that specifically address how the proposed residential neighborhoods:

a. Are compatible with adjacent uses, public facilities, and infrastructure systems;
b. Impact surrounding environmental and natural resources;
c. Access, where applicable, nearby parks, public spaces, recreational facilities, and greenways, blueways, and natural open spaces;
d. Connect to adjacent residential developments, mixed-use centers, economic areas, public facilities, natural resources, and other community facilities; and
e. Contribute to the overall design, landscaping, and aesthetics that make up the community's character as a harmonious place with beauty, spaciousness, and a diversity of high quality residential and commercial development that positively contributes to the quality of life of Estero's residents.

*(Added by Ordinance No. 14-16)*

**POLICY 19.3.2:** 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. *(Added by Ordinance No. 14-16)*

**POLICY 19.3.3:** Establish LDC landscape requirements for the maintenance and development of a well-designed and landscaped community while providing appropriate transitions between residential uses and surrounding areas. Such landscaping requirements may be greater between residential and commercial uses, while less stringent within differing uses within a mixed-use center. *(Added by Ordinance No. 14-16)*

**OBJECTIVE 19.4: TRANSPORTATION CONNECTIVITY AND MOBILITY.** Facilitate the development of an interconnected community that enables people to easily access Estero's neighborhoods, commercial and mixed-use centers as well as other areas within the county and region through an integrated transportation and mobility system. *(Added by Ordinance No. 14-16)*

**POLICY 19.4.1:** Establish Land Development Code standards that ensure the development of a well-connected transportation system that includes pedestrian pathways, bikeways, transit, and roadways. These standards should:

a. Require, where feasible, interconnects with adjacent uses;
b. To the extent feasible, minimize access points onto primary road corridors by providing multiple access to adjacent properties;
c. Link neighborhoods, commercial and mixed-use centers, public facilities, and parks; and
d. Enable multi-modal transportation access (pedestrian, bike, vehicular, and transit) within and between the different neighborhoods, economic and employment centers, civic uses, and public space, park, and recreational facilities within the Village of Estero ~~Community~~. *(Added by Ordinance No. 14-16)*

**POLICY 19.4.2:** Expand opportunities for Estero's transportation network of pedestrian and bicycle pathways, sidewalks, trails, and other facilities by working with the State of Florida and other local, state, and regional entities to:

a. Construct multi-use pathways that feature shade trees, benches, bike racks, and other design elements to attract usage;
b. Identify targeted funding sources including development contributions, private donations, public funding sources (e.g.: MSBU), or other mechanisms;
c. Implement the greenways master plan within the Estero community by working with Lee County Parks Department;
d. Utilize the FP&L right of way within Estero State Buffer Preserve by working with FP&L and Lee County;
e. Establish a pedestrian–bike trail within or along the rail right of way for public recreation by working with the existing rail corridor and private developers; and
~~f. Encourage the development of an effective rail system by working with the existing rail corridor to improve and expand use of existing rail facilities.~~ *(Added by Ordinance No. 14-16)*
*[the content of subsection f. has been moved to new Policy 19.4.6]*

**POLICY 19.4.3:** All public and private rights-of-way within future mixed-use centers and the Old Estero area, as defined in the Land Development Code, are encouraged to be designed to include pedestrian ways, cross walks and traffic calming measures including, where appropriate, on-street parking, raised crosswalks, narrow lane widths or other similar mechanisms. *(Added by Ordinance No. 14-16)*

**POLICY 19.4.4:** Provide for well designed, safe, and multi-use transportation corridors by establishing, maintaining, and implementing complete street design guidelines for the major roadways within Estero including the US 41, Corkscrew Road, Via Coconut/Sandy Lane, and Three Oaks Parkway. In design, provide roadway and median landscape standards, access management guidelines, signage, street lighting, and sidewalks to ensure safe and effective pedestrian crossings within the context of a comprehensive pedestrian and bikeway system. *(Added by Ordinance No. 14-16)*

**POLICY 19.4.5:** Address regional transportation demands and considerations by proactively working with private developers, and the applicable advisory boards and other local, regional, and state agencies to improve transportation connectivity and mobility throughout Estero and to other communities. *(Added by Ordinance No. 14-16)*

**POLICY 19.4.6:** The Village hereby designates the CSX / Seminole Gulf rail corridor as a strategic regional transportation corridor to protect the corridor for future transportation purposes (see Map 3E). This designation has been recommended by the Lee County Metropolitan Planning Organization as a means for cities and counties along the rail corridor to recognize the regional nature of this asset and jointly commit to efforts to protect it in its entirety. This designation includes the designation of the rail corridor as a "transportation corridor" pursuant to F.S. 337.273. To implement this designation:

a. The Village of Estero supports efforts of the Lee County Metropolitan Planning Organization to plan for hiking/biking/walking trails along the entire rail corridor, to add capability for commuter rail, light rail, or bus rapid transit service in Lee County and northern Collier County, and to maintain freight capability.

b. The new Village Center Area designation (see Policy 1.1.12 and Objective 19.8) and pending amendments to the Land Development Code demonstrate the Village's commitment to transit-oriented development up to a half mile around future stations for commuter rail, light rail, or bus rapid transit. Transit-oriented development provides higher densities and intensities in a physical form that emphasizes walkability and connectivity and provides a broad range of uses, reducing reliance on vehicle trips and parking lots. Stations could be placed at Coconut Point and near Corkscrew Road. Model procedures for station area planning and implementation are provided in the Florida TOD Guidebook, published by Florida DOT in December 2012.

c. When creating its first Comprehensive Plan, the Village will consider designating the rail corridor into its own category on the Future Land Use Map. The allowable uses in this category could be determined by the entity owning or leasing the corridor for the period of time that the corridor remains in use for freight rail.

d. The Village encourages Florida DOT to purchase the real estate interests in the entire rail corridor from Arcadia to north Naples from its current owner, CSX Transportation Inc. (which leases the corridor to Seminole Gulf Railway).

e. The Village will formally oppose any attempts at abandonment of the rail corridor before the U.S. Surface Transportation Board, and will support use of federal rails-to-trails authority to railbank the corridor, if abandonment ever succeeds, in order to preserve the corridor for possible future rail service.

**OBJECTIVE 19.5: NATURAL RESOURCES AND ENVIRONMENT.** Ensure that Estero's natural environment enhances the character and quality of life of the community by protecting the natural resources of Estero, promoting the area's natural environment to visitors and residents, and supporting public access to greenway and waterfront areas. (Added by Ordinance No. 14-16)

**POLICY 19.5.1:** Protect the natural environment and resources of Estero by maintaining, amending, and implementing ~~Lee Plan~~ comprehensive plan or LDC regulations that:

a. Promote the quality of Estero's natural environment, native species and habitats, and ecological resources; and;

b. Facilitate where feasible, new development to provide public access to Estero waterways and greenways, as appropriate. Particular emphasis shall be given to properties along Estero River, its tributaries, and any Estero open spaces;

c. Incentivize the protection of Estero's natural resources—e.g.: wetlands, uplands, historic flow ways, native habitat, or other ecological resources; and

d. Require all new developments adjacent to Estero River or its tributaries to incorporate design techniques that protect the river's water quality through improved runoff or stormwater discharge practices. These techniques may include: the preservation of wetland areas, the incorporation of Low Impact Development techniques, or other surface water quality enhancement technologies. *(Added by Ordinance No. 14-16)*

**POLICY 19.5.2:** Improve public access, use, and enjoyment of Estero's waterfront and water-based resources by supporting the

creation of community water-based amenities such as Estero Bay water taxi, marina facilities, or other water-dependent facilities. *(Added by Ordinance No. 14-16)*

**POLICY 19.5.3:** Support the long term protection of Estero's environment and natural resources by working with local, regional, state, and national agencies and organizations to identify and preserve natural resources and the environment. *(Added by Ordinance No. 14-16)*

**POLICY 19.5.4:** The Estero Community attaches great importance to the integrity of provisions in the ~~Lee Plan~~ comprehensive plan and the Land Development Code with respect to the Density Reduction/Groundwater Resource Area (DR/GR) in so far as actions with respect to the DR/GR have an impact on the environment, natural resources, mobility, sense of place, and character of Estero. *(Added by Ordinance No. 14-16)*

**OBJECTIVE 19.6: PUBLIC SPACES, PARKS, AND RECREATIONAL FACILITIES.** Support Estero's quality of life through the development of a broad array of community parks, public spaces, and recreational facilities. *(Added by Ordinance No. 14-16)*

**POLICY 19.6.1:** Promote the development of a variety of public spaces, park, and recreational facilities within Estero by collaborating with the State of Florida, private developers and other local, state, and national organizations on the development of active and passive public resources and facilities. *(Added by Ordinance No. 14-16)*

**POLICY 19.6.2:** Expand the use, variety, and type of public spaces, parks, and recreational facilities within Estero by working with private developments to provide linkages, access, public parks, public space, and recreational amenities through the use of incentives, LDC requirements, and other development tools. *(Added by Ordinance No. 14-16)*

**POLICY 19.6.3:** Promote Estero Community Park as a hub for the entire community. Improve the park's integration with the community by improving the existing connections between the park and Estero and by constructing the originally planned westerly entrance onto Via Coconut Point. *(Added by Ordinance No. 14-16)*

**POLICY 19.6.4:** Encourage the use of park areas to link neighborhoods, commercial and mixed-use centers, and other open space and recreational facilities through an integrated system of bike, pedestrian, and roadways connections. *(Added by Ordinance No. 14-16)*

**POLICY 19.6.5:** Consistent with the ~~Lee Plan~~ Parks, Recreation, and Open Space Element, integrate the Koreshan State Historic Site into the fabric of the community by collaborating with the appropriate agencies such as the State of Florida to improve the area's landscaping, enhance pedestrian and bicycle access, historic resources and structures, and community park program and activities. *(Added by Ordinance No. 14-16)*

**POLICY 19.6.6:** Consistent with the ~~Lee Plan~~ Parks, Recreation, and Open Space Element, provide passive recreational opportunities within Estero State Buffer Preserve, Estero River, and Estero Bay by collaborating with the appropriate local, regional, and state agencies and private property owners to ensure the community's parks, natural amenities, and open spaces have easy access, parking, trails, and other community amenities. *(Added by Ordinance No. 14-16)*

**OBJECTIVE 19.7: PUBLIC PARTICIPATION.** Ensure the public has meaningful and appropriate opportunities to participate in and comment upon development in and around the Village of Estero ~~community~~. *(Added by Ordinance No. 14-16)*

**POLICY 19.7.1:** As a courtesy, ~~Lee County~~ the Village of Estero will register citizen groups and civic organizations within the Village of Estero that desire notification of pending review of Land Development Code amendments and ~~Lee Plan~~ comprehensive plan amendments. ~~Upon registration, Lee County will provide~~ Registered groups will be provided with documentation regarding these pending amendments. This notice is a courtesy only and is not jurisdictional. Accordingly, the ~~county's~~ failure to mail or to timely mail the notice, or failure of a group to receive mailed notice, will not constitute a defect in notice or

bar a public hearing from occurring as scheduled. *(Added by Ordinance No. 14-16)*

**POLICY 19.7.2: Reserved.** ~~The Estero Community will establish an online document clearing house for their community, where copies of selected zoning submittal documents, staff reports, Hearing Examiner recommendations, and resolutions will be provided for public inspection. The county's failure to provide or to timely provide documents to the online document clearing house, or failure of the online document clearing house to receive documents, will not constitute a defect in notice or bar a public hearing from occurring as scheduled.~~ *(Added by Ordinance No. 14-16)*

**POLICY 19.7.3:** The owner or agent applying for Planned Developments, Rezonings, Variances, Special Exceptions, Plan Amendments, Administrative Amendments, and Development Orders within the Village of Estero must participate in a public information meeting pursuant to adopted Village regulations and policies. ~~for county approval within the Estero Community must conduct one public informational session within the community in a publicly owned or leased facility where the agent will provide a general overview of the project for any interested citizens. Lee County encourages planning, zoning, and/or development services staff to participate at such public meetings. This meeting must be conducted before the application can be found sufficient. The applicant is fully responsible for providing the meeting space, providing advance notice of the meeting place, time and date and providing security measures as needed. Subsequent to this meeting and the applicant must provide county staff with a meeting summary document that contains the following information: the date, time, and location of the meeting; a list of attendees; a summary of the concerns or issues that were raised at the meeting; and a proposal for how the applicant will respond to any issues that were raised. If the applicant chooses to hold the public meeting before any established community groups, then the minutes of that meeting as may be applicable must be provided prior to a finding of sufficiency.~~ *(Added by Ordinance No. 14-16)*

**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 Central Planning 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 19.8.4:** Properties in the Village Center Area which have vested rights under the law may proceed under such vested rights as otherwise provided in the comprehensive plan and Land Development Code, and shall not be required by virtue of Objective 19.8 and the policies thereunder to seek rezoning to the Village Center standards if no increases in either densities or intensity (as such term is defined in the Land Development Code) are sought beyond such vested rights.

a. Nothing contained in Objective 19.8 and the policies thereunder shall modify or abridge the law of vested rights or estoppel under Florida Statutes or judicial precedent. Developments of Regional Impact maintain their statutory vested rights status pursuant to the provisions of Chapter 380.06 and Section 163.3167(5), Florida Statutes.

b. If the property owner is unclear as to the exact nature of the vested rights that are claimed, such property owner may submit an application to the Village of Estero for a determination of such vested rights. The Village Council will conduct a public hearing to determine the nature and extent of such vested rights, and shall apply judicially defined principles of equitable estoppel in making such determination. Each vested rights determination is based on the facts and law associated with that particular property and shall not be considered as a precedent that can be relied upon in any other determination.

**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.

**POLICY 19.8.8:** With respect to these base and maximum residential density calculations:

a. For land in Tier 1-only, densities are calculated based on the definition of "Density" in the Glossary of the comprehensive plan, thus excluding non-residential land in Tier 1.

b. For land in Tiers 2, 3, and 4, densities are calculated based on this definition except that non-residential land is included for these tiers only.

~~GOAL 20: BAYSHORE COMMUNITY.~~

*[repeal Goal 20 and associated objectives and policies]*

~~GOAL 21: CALOOSAHATCHEE SHORES.~~

*[repeal Goal 21 and associated objectives and policies]*

~~GOAL 22: BOCA GRANDE.~~

*[repeal Goal 22 and associated objectives and policies]*

~~GOAL 23: THE PALM BEACH BOULEVARD CORRIDOR.~~

*[repeal Goal 23 and associated objectives and policies]*

~~GOAL 24: COMMUNITY PLANNING.~~

*[repeal Goal 24 and associated objectives and policies]*

~~GOAL 25: NORTH CAPTIVA (Upper Captiva).~~

*[repeal Goal 25 and associated objectives and policies]*

~~GOAL 26: ALVA.~~

*[repeal Goal 26 and associated objectives and policies]*

~~GOAL 27: PAGE PARK COMMUNITY.~~

*[repeal Goal 27 and associated objectives and policies]*

~~GOAL 28: NORTH FORT MYERS.~~

*[repeal Goal 28 and associated objectives and policies]*

~~GOAL 29: OLGA COMMUNITY.~~

*[repeal Goal 29 and associated objectives and policies]*

~~GOAL 30: BURNT STORE MARINA VILLAGE.~~

*[repeal Goal 30 and associated objectives and policies]*

~~GOAL 31: DESTINATION RESORT MIXED USE WATER DEPENDENT (DRMUWD).~~

*[repeal Goal 31 and associated objectives and policies]*

~~GOAL 32: LEHIGH ACRES.~~

*[repeal Goal 32 and associated objectives and policies]*

~~GOAL 33: SOUTHEAST LEE COUNTY.~~

*[repeal Goal 33 and associated objectives and policies]*

~~GOAL 34: NORTHEAST LEE COUNTY PLANNING COMMUNITY.~~

*[repeal Goal 34 and associated objectives and policies]*

~~GOAL 35: NORTH OLGA COMMUNITY.~~

*[repeal Goal 35 and associated objectives and policies]*

**GOAL 2: GROWTH MANAGEMENT.** To provide for an economically feasible plan which coordinates the location and timing of new development with the provision of infrastructure by government agencies, private utilities, and other sources.

**OBJECTIVE 2.12: DIVERSIFIED CLUSTER DEVELOPMENT.** ~~The County~~ In several future land use categories, the Village of Estero allows the potential for a mixture of different land uses including: residential, commercial/office, research and development, and medical. ~~light industrial.~~ *(Added by Ordinance No. 09-06)*

**POLICY 2.12.1:** The Village ~~County~~ encourages and promotes clustered, mixed use development within certain Future Urban Area land use categories to spur cluster development and smart growth within those areas ~~of Lee County~~ where sufficient infrastructure exists to support development, as well as continue to improve the economic well-being of the County; provide for diversified land development; and provide for cohesive, viable, well-integrated, and pedestrian and transit oriented projects. This is intended to encourage development to be consistent with Smart Growth principles. *(Added by Ordinance No. 09-06)*

**POLICY 2.12.2: Reserved.** ~~Future development within the Tradeport and Industrial Development future land use categories is strongly encouraged to be designed to include a mixture of research and development, industrial, and related office uses, where appropriate.~~ *(Added by Ordinance No. 09-06)*

**POLICY 2.12.3:** Future development within the Intensive Development, Central Urban, and Urban Community future land use categories is strongly encouraged to be development as a mixed use with two or more of the following uses: residential, commercial (including office), and ~~light industrial (including~~ research and development ~~use~~). When residential use is one of the uses proposed, in a mixed use development, residential densities may be developed taking into consideration the definitions under the Glossary terms: "Mixed Use," "Mixed Use Building," "Mixed-Use Pattern," "Walkable," and "Density." *(Added by Ordinance No. 09-06)*

**GOAL 4: SUSTAINABLE DEVELOPMENT DESIGN.** To pursue or maintain land development code regulations which encourage ~~creative site designs and~~ mixed-use patterns. Using an overlay, locate appropriate areas for Mixed Use, Traditional Neighborhood Development, and Transit Oriented Development. *(Amended by Ordinance No. 94-30, 07-15)*

**OBJECTIVE 4.1:** Maintain the ~~current~~ planned development rezoning process which combines site planning flexibility with rigorous review. *(Amended by Ordinance No. 91-19, 94-30, 07-15)*

**POLICY 4.1.1:** Development designs will be evaluated to ensure that land uses and structures are well integrated, properly oriented, and functionally related to the topographic and natural features of the site and to the existing and potential street pattern on surrounding sites. ~~; and that the placement of uses or structures within the development minimizes the expansion and construction of street and utility improvements.~~ *(Amended by Ordinance No. 91-19, 00-22)*

**POLICY 4.1.2:** Development designs will be evaluated to ensure that the internal street system is designed for the efficient and safe flow of vehicles and pedestrians without having a disruptive effect on the activities and functions contained within or adjacent to the development. *(Amended by Ordinance 91-19, 00-22)*

**OBJECTIVE 4.2: MIXED-USE OVERLAY.** Designate areas on the Future Land Use Map for Mixed Use, Traditional Neighborhood, and Transit Oriented development patterns. *(Added by Ordinance No. 07-15)*

**POLICY 4.2.1:** The Village ~~County~~ will maintain an overlay in the future land use map series (Map 1, Page 6) identifying locations outside the Village Center Area that are also desirable for mixed use patterns because they ~~that~~ are located in close proximity to: public transit routes; education facilities; recreation opportunities; and, existing residential, shopping and employment centers. Development approvals in the Village Center Area that had been based on a property having been within Lee County's prior mixed-use overlay designation may request modifications to those approvals provided the modifications are in compliance with this Comprehensive Plan and

Land Development Code and do not increase the previously approved densities and intensities. Appropriate locations for any future mixed-use overlay will have a positive impact on transportation facilities though 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. *(Added by Ordinance No. 07-15)*

**POLICY 4.2.2:** The Mixed Use Overlay will not intrude into established single family neighborhoods. Connections to existing residential neighborhoods will be provided upon the residential neighborhood's desire and not precluded by the Mixed Use Development's design. *(Added by Ordinance No. 07-15)*

**POLICY 4.2.3: Reserved.** ~~Any Planned Development project adhering to the Mixed Use Overlay standards, at the discretion of the Board of County Commissioners, may extend beyond the Mixed Use Overlay zone up to one quarter mile.~~ *(Added by Ordinance No. 07-15)*

**POLICY 4.2.4: Reserved.** ~~The Mixed Use Overlay may include areas within the Coastal High Hazard Area when unique public benefits exist. Such benefits may include providing workforce housing options for employees of businesses located on barrier islands when transit is provided between the workforce housing and the employment areas.~~ *(Added by Ordinance No. 07-15)*

**POLICY 4.2.5: Reserved.** ~~Encourage mixed use developments on sites that have existing connectivity to adjacent neighborhoods, qualify as a grayfield or brownfield sites, or are candidates for Transit Oriented Development. Properties lacking potential interconnections to adjacent properties will not be considered as preferred locations for the Mixed Use Overlay.~~ *(Added by Ordinance No. 07-15)*

**POLICY 4.2.6:** Reserved. ~~Staff will work with communities, specifically during the community planning process, to explain the benefits and address concerns related to mixed use/higher density developments to build the consensus needed to identify appropriate locations for the Mixed Use Overlay.~~ *(Added by Ordinance No. 07-15)*

**POLICY 4.2.7:** Development located in the Mixed-Use Overlay that utilizes the Compact PD zoning category ~~applying Chapter 32 - Compact Communities of the Lee County Land Development Code~~ will not be subject to the site location standards listed in Policy 6.1.2 and 6.1.2.7. *(Added by Ordinance No. 11-18)*

**OBJECTIVE 4.3:** The Mixed Use Overlay shall not include property in the Village Center Area. Development, redevelopment, and infill rezonings located within the Mixed Use Overlay outside of the Village Center Area that utilize the Compact PD or Mixed Use Planned Development (MPD) zoning category and meet the criteria in the policies below ~~that incorporate the following Mixed Use, New Urbanism, Traditional Neighborhood Development (TND), and Transit Oriented Development (TOD) criteria~~ will be allowed to use the area of commercial, office, ~~light industrial,~~ natural water bodies and other non-residential uses in their density calculations. These proposals must contribute to ~~areas will be~~ compact, multi-purpose, mixed use patterns ~~centers~~ which integrate commercial development with residential, civic, and open space within the same neighborhood or ~~and~~ buildings. *(Added by Ordinance No. 07-15)*

**POLICY 4.3.1: Reserved.** ~~Developments within the Mixed Use Overlay conforming to Chapter 32 - Compact Communities of the Land Development Code, will be deemed as meeting the principles listed in this objective.~~ *(Added by Ordinance No. 07-15, Amended by Ordinance No. 11-18)*

**POLICY 4.3.2: Mixed Uses:** ~~A balanced mixture of~~ Carefully mixing complementary uses can ~~will be provided to~~ reduce overall trip lengths, ~~to~~ support pedestrian, bicycle and transit opportunities and create pedestrian friendly streetscapes.

a. Mixed uses will be encouraged within individual buildings (e.g. residential above retail or office space) but may be located in separate buildings that can be easily reached using publicly accessible sidewalks and streets.

b. Mixed Use Overlay areas not within the Village Center Area will provide public gathering places, civic uses, such as green spaces or community centers, and other public amenities as described in Policy 19.2.1.

c. Mixed-use patterns will be integrated within an overall design framework to create a pedestrian friendly, human scale environment, through objective, measurable criteria including size, scale, proportion, and materials detailed in the land development regulations. Flexibility in design will allow for choice and variety in architectural style.

d. The Mixed Use Overlay is intended for mixing uses that are complementary rather than conflicting, as those terms are used in the glossary's definition of mixed use. The nature of the mix of uses will be determined based upon the needs of the Village, character of the surrounding area, the compatibility of the uses, and the characteristics of the transportation network. *(Added by Ordinance No. 07-15)*

**POLICY 4.3.3: Site and Building Design:** Integrate commercial, residential, civic, and open spaces to create multipurpose developments that feature unique style and ambiance through design, encouraging civic involvement and events to promote community interaction.

a. Provisions for outdoor livability, including interconnected pedestrian and bike facilities, walkways, public plazas, ample seating, and walkable block size.

b. Well defined centers and edges with public or civic space creating an element around which other development is located.

c. Development plans will create focal points of signature buildings, civic spaces, natural amenities, and other prominent features through placement or street layout.

d. Link pedestrian routes and bikeways with the street system or other public space such as parks or squares avoiding routes through parking lots and other locations out of the public realm.

e. When necessary, development density and intensity will gradient from the center to the edge suitable to integrated surrounding land uses.

f. The designs will include a pedestrian circulation system to connect the nonresidential uses with residential uses and areas.

g. Local climate and history will dictate the architectural and landscape design and natural methods of cooling and heating will be encouraged. Evaluate Green Building techniques as an alternative way to provide open space.

h. Streets and roads will be fronted by design features including sidewalks which define and contribute to a pedestrian street character. Building design, placement, and entrances will be at a pedestrian scale and oriented towards streets or other public space such as parks or squares.

i. The street system will equally serve automobile and non-automobile modes of transportation. Development will provide pedestrian and bicycle-friendly access, and will provide transit facilities to the development and the surrounding community.

j. Large scale nonresidential establishments will incorporate development design techniques to integrate the establishment into the surrounding community. Such design techniques will include:

   1. creation of a series of smaller, well defined customer entrances to break up long facades and provide pedestrian scale and variety, that may be achieved through the use of liner buildings.
   2. limited number and size of signs.
   3. landscaping and use of pocket parks and courtyards adequate to soften large building masses.

k. An "A/B" street grid system may be utilized where "A" streets meet all pedestrian oriented standards and create a continuous uninterrupted pedestrian friendly streetscape, while "B" streets may include a limited amount of properly designed non-pedestrian oriented uses.

l. Crime Prevention Through Environmental Design (CPTED) guidelines will be incorporated to the maximum extent possible. *(Added by Ordinance No. 07-15)*

**POLICY 4.3.4: Parking:** Parking areas will be designed to minimize intrusiveness and impacts on the pedestrian character, through the following techniques:

a. On-street parking with landscaping and design features, such as corner and mid-street bump outs, that afford traffic calming and produce a comfortable and safe pedestrian environment will be promoted.

b. Parking lot locations will not separate pedestrian areas including sidewalks, squares, and plazas from the front of buildings containing the primary entrance.

c. Parking lots will be screened from all streets, sidewalks, and open spaces, and will be designed to maintain or enhance the street edge.

d. Parking lots will be designed with safe pedestrian connections to business entrances and public space to create a park-once environment.

e. Reduction of paved parking areas will be evaluated wherever practicable through measures such as provision of shared parking and parking structures to serve multiple uses and alternative paving materials. Large expanses of pavement will be discouraged. Reduced ratios of required parking for non-residential uses will be provided in the land development regulations.

*(Added by Ordinance No. 07-15)*

**POLICY 4.3.5: ~~Automobile Access: Automobile facilities~~ Streets and Alleys:** Streets will be designed to provide safe access to, through (where feasible), and within each ~~the~~ development.

a. Internal streets must meet Land Development Code standards found in Article II of Chapter 32 and ~~traffic circulation system design~~ will include:

   1. narrow traffic lanes and other traffic calming techniques to maintain safe multi-modal transportation.
   2. an interconnected street system extended to adjacent sites at the least intrusive locations, with interconnections as may be provided in the Land Development Code.
   3. maximum use of common access drives to arterial roads.
   4. a system of alleyways for service vehicles and access to parking.
   5. convenient access to transit facilities.
   6. sidewalks shaded by rows of street trees.

b. Major points of ingress to and egress from arterial roads carrying through traffic will be located at the allowed intersection spacing and connect to the internal traffic circulation system.

c. ~~A connector street system~~ Public streets will provide multiple vehicular, bicycle, and pedestrian linkages to adjacent local destinations, including residential neighborhoods, as an alternative to arterial and collector roads, except where such connections are precluded by physical layout of natural environmental features.

d. Automobile-oriented uses will have a limited number of driveways, and drive-in or drive-up windows will be located to avoid conflict with pedestrian and bicycle traffic.

e. Additional provisions to achieve the goals of development of walkable environments will be established in the Land Development Code.

*(Added by Ordinance No. 07-15)*

**POLICY 4.3.6: Community Green Space:** Public space and landscaping will be provided that includes.

a. Public areas will provide adequate urban landscaping that includes street trees, planted areas, and street furniture.

b. Required surface and storm water management facilities will be designed ~~as an~~ integrally with civic spaces, and as a physical or visual amenity that provides usable open space or an aesthetic feature that resembles natural areas.

c. Paved areas (including parking) will require overhead shading from tree canopy or building features based on factors such as scale of development and performance standards.

*(Added by Ordinance No. 07-15)*

**POLICY 4.3.7: Connectivity and Buffering:** Mixed use developments will be well integrated both internally and externally.

a. Automotive, pedestrian and/or bicycle connections to adjacent commercial development will be provided.

b. Connections to adjacent residential neighborhoods will not be precluded by the Mixed Use Development's design.

c. Buffering of uses internal to a Mixed Uses development are not required.

d. Buffering from adjacent developments, when deemed absolutely necessary, will not preclude future interconnectivity.

*(Added by Ordinance No. 07-15)*

~~**POLICY 4.3.8: Properties in a Mixed Use Overlay Zone, not within the Coastal High Hazard Area, will be considered as preferred receiving areas for Transferable Development Rights (TDRs) and will allow these TDRs to serve as a method for obtaining allowable bonus densities.**~~ *(Added by Ordinance No. 07-15)*

~~**POLICY 4.3.9: The owner or agent for a rezoning request utilizing the Mixed Use Overlay must conduct one publicly noticed informational session, before sufficiency, where the agent will, at a minimum, present an overview of the project's consistency with this objective. Subsequent to this meeting, the applicant must provide County staff with a meeting summary document that contains the following information: the date, time, and location of the meeting; a list of attendees; a summary of the concerns or issues that were raised at the meeting; and a proposal for how the applicant will respond to any issues that were raised.**~~ *(Added by Ordinance No. 07-15)*
*[the content of Policy 4.3.9 duplicates Policy 19.7.3]*

**OBJECTIVE 4.4:** *[no changes proposed]*

**GOAL 6: COMMERCIAL LAND USES.** To permit orderly and well-planned commercial development at appropriate locations ~~within the county~~. *(Amended by Ordinance No. 94-30)*

**OBJECTIVE 6.1:** Development approvals for commercial land uses must be consistent with the following policies, the general standards under Goal 11 and other provisions of this plan. *(Amended by Ordinance No. 94-30, 11-18)*

**POLICY 6.1.1:** All applications for commercial development will be reviewed and evaluated as to:

a. Traffic and access impacts (rezoning and development orders);
b. Landscaping and detailed site planning (development orders);
c. Screening and buffering (planned development rezoning and development orders);
d. Availability and adequacy of services and facilities (rezoning and development orders);
e. Impact on adjacent land uses and surrounding neighborhoods (rezoning);
f. Proximity to other similar centers (rezoning); and
g. Environmental considerations (rezoning and development orders). *(Amended by Ordinance No. 00-22)*

**POLICY 6.1.2:** Commercial development must be consistent with the location criteria in this policy except where specifically excepted by this policy or by Policy 6.1.7~~, or in Lehigh Acres by Policy 32.2.4~~ or if located in the Mixed Use Overlay and utilizing the Compact PD zoning category. ~~Chapter 32 – Compact Communities of the Land Development Code.~~

1. **MINOR COMMERCIAL**

   a. **Major function:** Provides for the sale of convenience goods and services.

b. **Location:** The entire retail use, including buildings and outdoor sales area, must be located as follows except where this plan provides specific exceptions (e.g., Policy 6.1.7):

(1) On or near the intersection (within 330 feet of the adjoining rights-of-way of the intersection roads) of local and collector, local and arterial, or collector and collector roads. In Commercial Planned Developments where future road improvements that are included in the Capital Improvement Program will enable the property to qualify for the higher level of commercial development specified in Subsection 2 below, and which are conditioned to allow the increased commercial intensity when the roadway actually functions at the higher level of a collector road, the Minor Commercial use may extend beyond 330 feet of such intersections provided the Master Concept plan specifically indicates the phasing of the development from Minor to Neighborhood Commercial use. Proposed interconnections of future internal access roads or driveways servicing only the subject parcel with an arterial or collector will not comply with the requirements of this section;

(2) At the intersection (as defined below) of collector and arterial or arterial and arterial roads; or

(3) Within a residential planned development provided it is located and designed primarily to meet the commercial needs of the residents of the development.

c. **Site Area:** Two acres or less.

d. **Range of Gross Floor Area:** Less than 30,000 square feet.

e. When developed as part of a Mixed Use planned development or Compact planned development, and meeting the use limitations, modified setback standards, signage limitations and landscaping provisions, retail uses may deviate from the locational requirements and maximum square footage limitations, subject to conformance with the Estero Community Plan as outlined in Policies 19.2.3 and 19.2.4, and through approval by the ~~Board of County Commissioners~~ Village Council.

## 2. NEIGHBORHOOD COMMERCIAL

a. **Major function:** Provide for the sale of convenience goods and personal services such as food, drugs, sundries, and hardware items.

b. **Typical leading tenants:** Supermarket and drug store.

c. **Location:** Must be located as follows (except where this plan provides specific exceptions):

At the intersection of an arterial and a collector or two arterials so that direct access is provided to both intersecting roads. Such direct access may be provided via an internal access road to either intersecting road. ~~On Lee County's islands where there is no intersecting network of collectors and arterials, neighborhood commercial centers may be located using the standards for minor commercial centers.~~

d. **Site Area:** 2 to 10 acres

e. **Range of Gross Floor Area:** 30,000 to 100,000 square feet

~~f. In that portion of North Fort Myers lying between the Cape Coral city limits and the old S.A.L. railroad grade and north of the junction of the 41s, an exception to the strict adherence to the location standards in subsection (c) may be granted upon the approval of an application for Commercial Planned Development rezoning if the Board of County Commissioners makes a formal finding that the proposed project:~~

~~(1) is located on an existing arterial road;~~

~~(2) is located at the intersection of that arterial with a future collector or arterial that is indicated on the Official Trafficways Map; and~~

~~(3) will provide (or at least not interfere with) an acceptable alignment for the future roadway which is the justification for the approval, relative to both extensions from the point of intersection with the existing road.~~

3. COMMUNITY COMMERCIAL

a. **Major function:** Some functions of neighborhood commercial, in addition to providing for the sale of retail goods such as clothing, variety items, appliances, and furniture.

b. **Typical leading tenants:** Supermarket, drug store, minor department store, variety store, or discount center.

c. **Location:** Must be located as follows (except where this plan provides specific exceptions):

- At the intersection of two arterials so that direct access is provided to both intersecting roads.
- Such direct access may be provided by an internal access road to either intersecting road.

d. **Site Area:** 10 to 35 acres

e. **Range of Gross Floor Area:** 100,000 to 400,000 square feet

~~f. Notwithstanding prohibitions contained elsewhere in this plan, community commercial development may be granted in a portion of the Suburban land use category in North Fort Myers lying between the Cape Coral city limits and the old S.A.L. railroad grade and north of the junction of the 41s upon the approval of an application for Commercial Planned Development rezoning if the Board of County Commissioners makes a formal finding that the proposed project:~~

~~(1) is located on an existing arterial road;~~

~~(2) is located at the intersection of that arterial with a future arterial road that is indicated on the Official Trafficways Map; and~~

~~(3) will provide (or at least not interfere with) an acceptable alignment for the future roadway which is the justification for the approval, relative to both extensions of that future roadway from the point of intersection with the existing road.~~

4. REGIONAL COMMERCIAL

a. **Major Function:** Some functions of community commercial, in addition to providing a full range and variety of shopping goods for comparative shopping (such as general merchandise, apparel, furniture, and home furnishings).

b. **Typical leading tenants:** One or more full-line department stores.

c. **Location:** Must be located in such a manner as to provide direct access to two and preferably three arterial roads. Such direct access may be via an internal access road to one or more arterials.

d. **Site Area:** 35 to 100 acres

e. **Range of Gross Floor Area:** 400,000 to 1 million square feet or more.

f. The Commercial Site location standards described in this policy do not apply to Regional Commercial development approved as a single mixed-use Development of Regional Impact containing regional shopping opportunities on a 483-acre portion of Section 9, Township 47 South, Range 25 East, that is bounded on the west by U.S. 41, on the east by the Seminole Gulf Railroad tracks, on the south by Coconut Road, and on the north by a line located one half mile north of Coconut Road designated Urban Community, provided that the DRI specifically addresses:

1) Impacts to flow-ways,
2) Community and Regional Park levels of service,
3) Roadway levels of service,
4) Public Schools,
5) Fire protection services, and
6) Affordable housing.

5. Commercial development "at the intersection" will extend no more than one-quarter mile from the centerline of the intersection and must include proper spacing of access points, with the following exception: in a commercial development approved under the planned development rezoning process, "at the intersection" may extend beyond one-quarter mile from the intersection, provided that:
   a. direct access is provided to the development within one-quarter mile of the intersection;
   b. an internal access road or frontage road provides access to the intersecting street prior to occupancy of the development; and
   c. all access points meet Land Development Code requirements for safety and spacing.
   d. the retail commercial use, including any outdoor sales, does not extend beyond one-half mile from the centerline of the intersection.

6. Any contiguous property under one ownership may, at the discretion of the ~~Board of County Commissioners~~ Village Council, be developed as part of the ~~interstate~~ General Interchange category, ~~except in the Mixed-Use Interchange district,~~ provided the property under contiguous ownership to be developed as part of the ~~interstate~~ interchange does not extend beyond three-quarters of a mile from the interchange centerpoint. Applications seeking interstate uses outside of the ~~interstate highway~~ designated interchange area will be evaluated ~~by the Board~~ considering the following factors: percentage of the property within the ~~interstate~~ interchange; compatibility with existing adjacent land uses; and, compatibility with surrounding Future Land Use Categories. This is intended to promote planned developments under unified ownership and control, and to insure proper spacing of access points.

7. The location standards specified in Subsections 1-4 will apply to the following commercial developments: shopping centers; free-standing retail or service establishments; restaurants; convenience food stores; automobile dealerships; gas stations; car washes; and other commercial development generating large volumes of traffic. These location standards will not apply to the following: banks and savings and loan establishments without drive-in facilities; hotels or motels; marinas; general, medical, or professional offices; industrial, warehouse, or wholesale development; clubs, as defined in Chapter 34 of the Land Development Code (commercial clubs excepted); and other similar development. ~~The distinction in this subsection between these two major types of commercial uses does not apply in Lehigh Acres, where commercial uses are permitted in accordance with Policy 32.2.4. These location standards will not apply to property in the Mixed Use Overlay when Chapter 32 - Compact Communities of the Land Development Code is applied.~~

8. The standards specified in Subsections 1-4 for location, floor area and site area will serve as guidelines during the rezoning process (allowing limited discretion by the ~~Board of County Commissioners~~ Village Council in special cases in which retail uses are the only reasonable use of the parcel in light of its size, its proximity to arterials and collectors, and the nature of the existing and projected surrounding uses, including but not limited to environmental factors) but are strict requirements during the development order process in the case of zoning that existed prior to the effective date of the Lee Plan (December 21, 1984). The other standards specified in Subsections 1-4 will serve generally to indicate the types of development which are likely to fall within each commercial category. Proposed rezonings to commercial zoning districts that include both uses that are subject to the standards in Subsections 1-4 and uses that are not (see Subsection 7) may be found consistent with the ~~Lee Plan by the Board of County Commissioners~~ comprehensive plan by the Village Council even if the subject parcel does not comply with the applicable location standard; provided, however, that no development orders will be issued on any such parcel for any use to which the standards in Subsection 1-4 is applicable, and all such development orders must be consistent with the level of service requirements in Policy 95.1.3.

9. The location standards in this policy are not applicable in ~~the following areas:~~

   ~~a. In~~ the General Interchange land use category.

   b. ~~In Lehigh Acres where commercial uses are permitted in accordance with Goal 32~~

   c. ~~Within the Captiva community in the areas identified by Policy 13.2.1, in Area 9 of the University Community Conceptual Master Plan, or within the Mixed Use Overlay when utilizing Chapter 32 – Compact Communities of the Land Development Code~~

   ~~d. In the Density Reduction/Groundwater Resource land use category where some commercial development is permitted under Objective 33.3.~~

10. The ~~Board of County Commissioners~~ Village Council may approve applications for minor commercial centers that do not comply with the location standards for such centers but which are consistent with ~~duly adopted CRA and~~ the Estero Community Plans policies under Goal 19.

11. Uses that must comply with Subsections 1-4 may occur at the outside of a T-intersection so long as direct access is provided from at least two points on the adjacent intersecting road, one of which must be an extension of the other intersecting road.

12. Map 19 illustrates the existing ~~Lee County~~ intersections that are deemed to be consistent with the standards in subsections 2 and 3. Neighborhood and community commercial centers must be located at one of the designated intersections, at another intersection utilizing the list of Functional Classification for Arterial and Collector Roads, or in accordance with one of the exceptions under Goal 6~~, or in Lehigh Acres in accordance with Policies 1.8.1 through 1.8.3~~.

    The map shows some intersections with half-circles and others with full circles. Half circles indicate that only the two intersection quadrants shown on the map are deemed to be consistent with the standards. All of the quadrants of intersections designated with full circles are deemed to be consistent with the standards. Proposed neighborhood and community commercial centers that are located at the designated intersections are subject to all of the other Goals, Objectives and Policies of this Plan.

    Functional classifications of new or improved streets will be established in accordance with the definitions of "arterial" and "collector" roads in Rule 9J-5.003. A list of Functional Classification for Arterial and Collector Roads, consisting of roads that meet this criteria, will be maintained by the Lee County Department of Transportation, for county maintained roads, and the Lee County Division of Development Services, for privately maintained roads. ~~These functional classification lists will be adopted by Administrative Code.~~ For the purpose of determining compliance with the locational standards of Policy 6.1.2, only those roads identified as Major Collector roads will be considered collector roads. Roads identified as Minor Collector or not included on the list will be considered local roads. ~~The map will be revised annually during the county's regular plan amendment cycle.~~

~~13. Freestanding single use commercial retail development of five (5) acres or more does not qualify as a Neighborhood Center as that term is used in the Suburban and Outlying Suburban Future Land Use Categories.~~ *(Amended by Ordinance No. 93-25, 94-30, 98-09, 99-15, 99-18, 00-22, 02-02, 07-09, 10-05, 10-16, 10-19, 10-40, 11-18)*

**POLICY 6.1.3:** Commercial developments requiring rezoning and ~~meeting Development of County Impact (DCI)~~ exceeding thresholds defined in the Land Development Code must be developed as Commercial planned developments, Mixed Use planned developments, or Compact planned developments that are designed to arrange uses in an integrated and cohesive unit in order to:

- provide visual harmony and screening;
- reduce dependence on the automobile;
- promote pedestrian movement within the development;
- utilize joint parking, access and loading facilities;
- avoid negative impacts on surrounding land uses and traffic circulation;
- protect natural resources; and
- provide necessary services and facilities where they are inadequate to serve the proposed use. *(Amended by Ordinance No. 94-30, 00-22)*

# XII. Glossary

**DENSITY** - The number of residential dwelling or housing units per gross acre (du/acre). Densities specified in this plan are gross residential densities. For the purpose of calculating gross residential density, the total acreage of a development includes those lands to be used for residential uses, and includes land within the development proposed to be used for streets and street rights of way, utility rights-of-way, public and private parks, recreation and open space, schools, community centers, and facilities such as police, fire and emergency services, sewage and water, drainage, and existing man-made waterbodies contained within the residential development. Lands for commercial, office, industrial uses, natural water bodies, and other non-residential uses must not be included, except in the Village Center Area as specifically provided in Objective 19.8 and the policies thereunder, and except within areas outside the Village Center Area that are identified on the Mixed Use Overlay Map (Future Land Use Map Series Map 1 page 6 of 8) that have elected to use the process described in Objective 4.3. ~~4.2 and except within areas identified as Mixed-Use Communities as identified on Map 17 where development rights are concentrated or transferred using the process described under Objective 33.3. Within the Captiva community in the areas identified by Policy 13.2.1, commercial development that includes commercial and residential uses within the same project or the same building do not have to exclude the commercial lands from the density calculation. For true mixed use developments located on the mainland areas of the County, the density lost to commercial, office and industrial acreage can be regained through the utilization of TDRs that are either created from Greater Pine Island Coastal Rural future land use category or previously created TDRs. True mixed use developments must be primarily multi-use structures as defined in this Glossary as a mixed use building. If development is proposed in accordance with Policy 2.12.3, residential densities are calculated using the total land area included in the mixed use portion of the development.~~ *(Amended by Ordinance No. 98-09, 00-22, 03-21, 05-21, 07-09, 07-14, 09-06, 10-43)*

**INFILL** - The use of vacant land within a predominantly developed area for further construction or development. These lands already have public services available but may require improvements to meet current development standards. *(Added by Ordinance No. 07-14)*

**MIXED USE** – Complementary uses of land generally within a walkable distance from one another. Complementary means uses are compatible with each other and would serve the same users without requiring a car or a bike/walk trip on a circuitous or inhospitable route. Complementary uses are the opposite of conflicting uses, for example industrial uses or commercial uses that have features near residential uses which could negatively impact the quality of life or interfere with the quiet enjoyment of such residential uses. ~~The development, in a compact urban form, including residential and one or more different but compatible uses, such as but not limited to: office, industrial and technological, retail, commercial, public, entertainment, or recreation.~~ These uses may be combined within the same Mixed-Use Building or may be grouped together in cohesive neighboring buildings with limited separation, unified form and strong pedestrian interconnections to create a seamless appearance. ~~True mixed use developments primarily consist of mixed use buildings as defined by this Glossary.~~ *(Amended by Ordinance No. 05-21, 07-14)*

**MIXED-USE BUILDING** – Mixed-Use Building means a building that contains at least two different complementary land uses (i.e. commercial and residential, R & D and residential, office and residential, commercial and civic use open to the public) ~~that are related~~. *(Added by Ordinance No. 05-21)*

**MIXED-USE PATTERN** - A physical pattern where streets form an interconnected network within and surrounding various parcels in an overall development area, neighborhood, or group of interconnected neighborhoods. A variety of methods to subdivide such areas and neighborhoods may be utilized to develop individual buildings that can accommodate a variety of complementary land uses and building types.

**REDEVELOPMENT** - Development activity characterized by replacement of existing dilapidated or underperforming structures. The new development is usually at a higher level of intensity or density. *(Added by Ordinance No. 07-14)*

**TRADITIONAL NEIGHBORHOOD DEVELOPMENT (TND)** - A form of development that creates mixed-use, mixed-income neighborhoods that are compact, diverse and walkable. *(Added by Ordinance No. 07-14)*

**TRANSIT ORIENTED DEVELOPMENT (TOD)** - Development located within walking distance of a transit stop using a mixed use development pattern and ~~that is mixed use and developed using~~ Traditional Neighborhood Development standards. *(Added by Ordinance No. 07-14)*

**WALKABLE** – A characteristic of mixed-use neighborhoods or districts where people can safely walk to nearby destinations on sidewalks or paths that encourage comfortable movement without driving. Nearby destinations are generally viewed as those that can be reached by a 5-minute walk or about ¼ mile in distance.

~~**Table 1(c)**~~
~~**Mixed Use Overlay/Lehigh Acres**~~
~~**Specialized Mixed Use Node Ratios**~~

| ~~Future Land Use Map Category~~ | ~~Floor Area Ratio~~ | ~~Acres*~~ | ~~Percent Residential~~ | ~~Percent Non-Residential~~ |
|---|---|---|---|---|
| ~~Intensive Development~~ | ~~3~~ | ~~1,595~~ | ~~10-50%~~ | ~~50-90%~~ |
| ~~Central Urban~~ | ~~2~~ | ~~3,997~~ | ~~20-50%~~ | ~~50-80%~~ |
| ~~Urban Community~~ | ~~2~~ | ~~3,195~~ | ~~25-60%~~ | ~~40-75%~~ |
| ~~Suburban~~ | ~~1~~ | ~~391~~ | ~~30-70%~~ | ~~30-70%~~ |
| ~~Outlying Suburban~~ | ~~1~~ | ~~123~~ | ~~30-70%~~ | ~~30-70%~~ |

~~* Remaining acres are within non-residential areas that are situated within the overlay such as Public Facilities and Wetlands.~~

## ~~Lee Plan~~ Future Land Use
## Map 1, Page 1 of 8

*[Certain land is being redesignated from Urban Community, Suburban, Outlying Suburban, Public Facilities, and Rural to the new Village Center land-use category, as shown on the following maps. ]*

*[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.]*

## Special Treatment Areas – Mixed Use Overlay

*[The Village will maintain the mixed-use overlay for land in Estero outside of the Village Center Area only, as shown on the following maps.]*

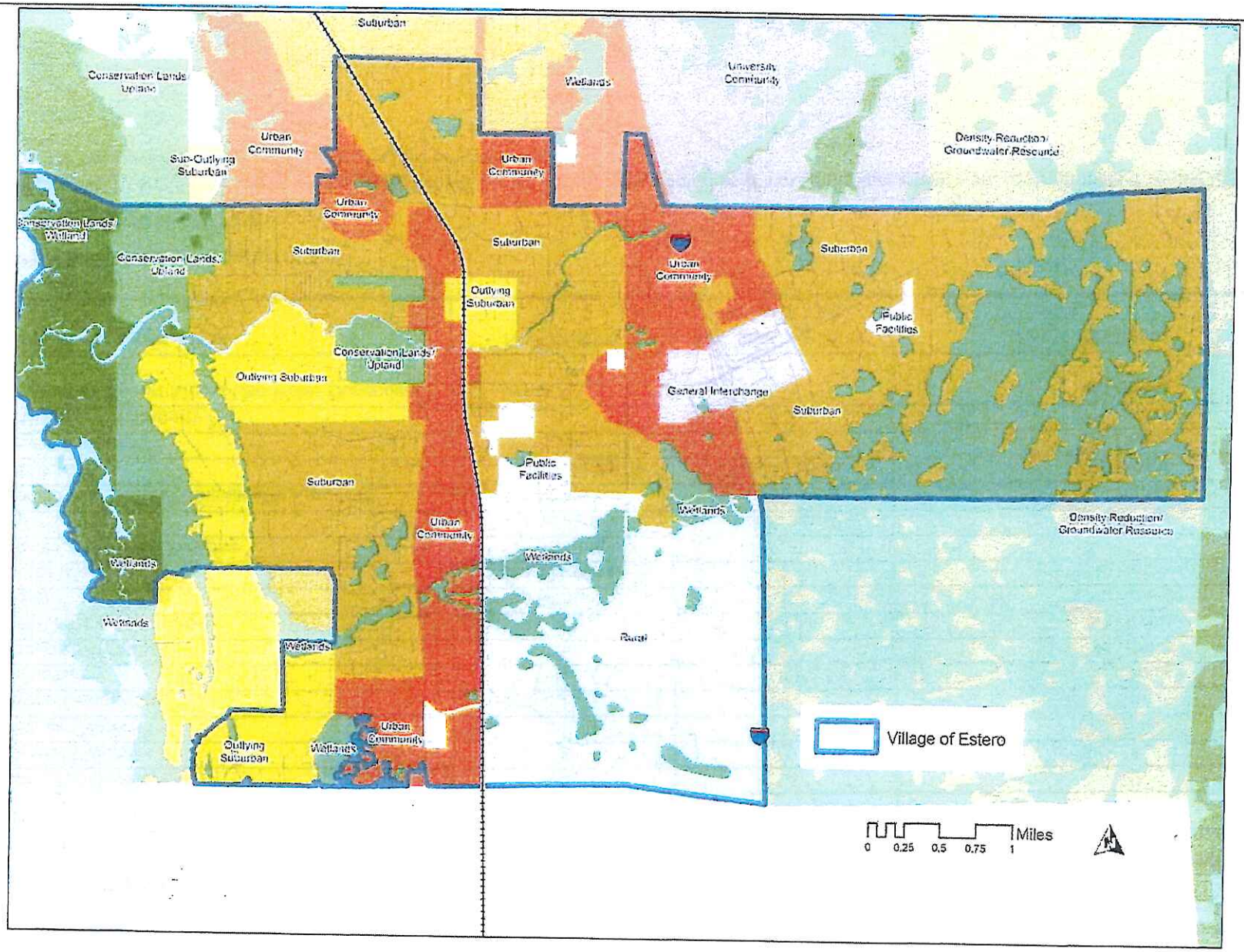
# Table 1(a)
# Summary of Residential Densities [1]

| FUTURE LAND USE CATEGORY | STANDARD OR BASE DENSITY RANGE | | BONUS DENSITY |
|---|---|---|---|
| | MINIMUM [2] (Dwelling Units per Gross Acre) | MAXIMUM (Dwelling Units per Gross Acre) | MAXIMUM TOTAL DENSITY [3] (Dwelling Units per Gross Acre) |
| Intensive Development | 8 | 14 | 22 |
| Central Urban | 4 | 10 | 15 |
| Village Center [14] | 1 | 6 | No Bonus [14] |
| Urban Community [4,5] | 1 | 6 | 10 |
| Suburban | 1 | 6 | No Bonus |
| Outlying Suburban | 1 | 3 | No Bonus |
| Sub-Outlying Suburban | 1 | 2 | No Bonus |
| Rural [10] | No Minimum | 1 | No Bonus |
| Outer Islands | No Minimum | 1 | No Bonus |
| Rural Community Preserve [6] | No Minimum | 1 | No Bonus |
| Open Lands [7] | No Minimum | 1 du/5 acres | No Bonus |
| Density Reduction/Groundwater Resource | No Minimum | 1 du/10 acres | No Bonus |
| Wetlands [8] | No Minimum | 1 du/20 acres | No Bonus |
| New Community | 1 | 6 | No Bonus |
| University Community [9] | 1 | 2.5 | No Bonus |
| Destination Resort Mixed Use Water Dependent [11] | 6 | 9.36 | No Bonus |
| Burnt Store Marina Village [12] | No Minimum | 160 Dwelling Units; 145 Hotel Units | No Bonus |

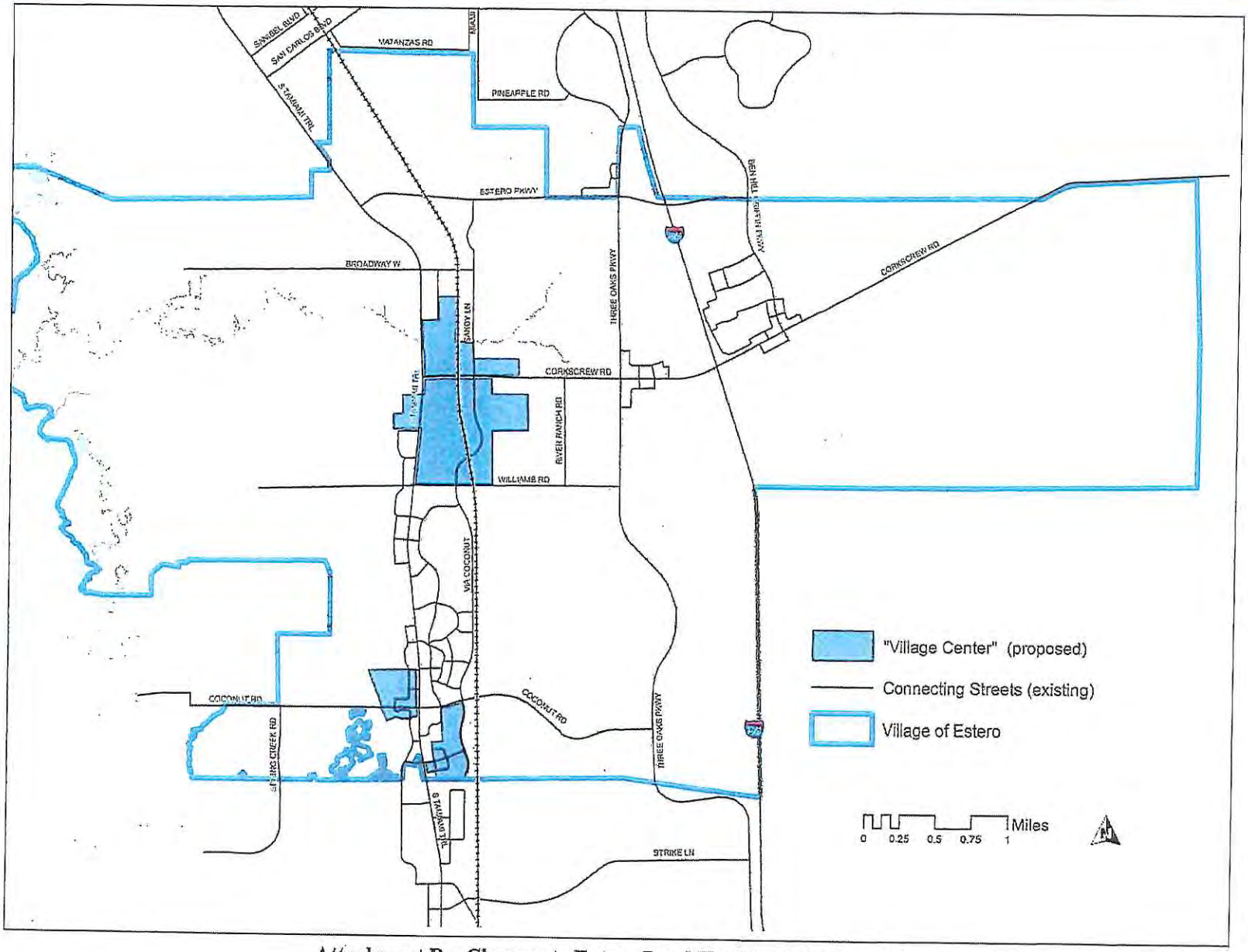
**CLARIFICATIONS AND EXCEPTIONS**

[1-13] *[no changes to footnotes 1 through 13]*

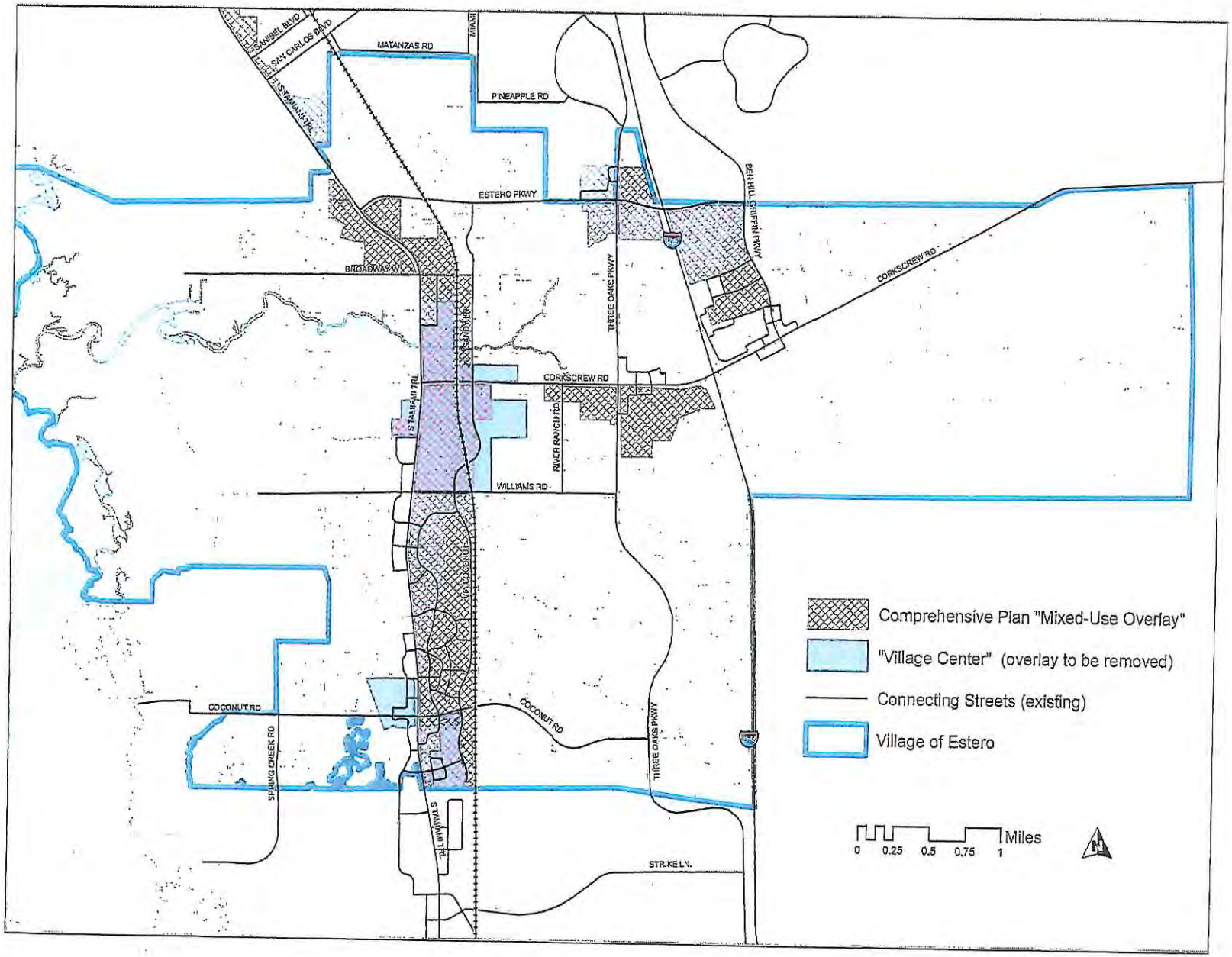
[14] See Objective 19.8 and subsequent policies for potential density increases that could be achieved through a new planned development zoning district for development that contributes to a walkable mixed-use environment.




**Attachment A – Future Land Use Map 1, Page 1 of 8 (existing)**




**Attachment B – Changes to Future Land Use Map 1, Page 1 of 8**
(showing area being changed to "Village Center ")




**Attachment C – Future Land Use Map 1, Page 6 of 8Mixed-Use Overlay**
(existing Mixed-Use Overlay plus "Village Center" area being removed from overlay)

# ATTACHMENT F

## Minutes from Estero Public Information Meeting at Planning and Zoning Board dated August 25, 2015

# VILLAGE OF ESTERO PLANNING AND ZONING BOARD
# MEETING OF AUGUST 25, 2015

The Village of Estero Planning and Zoning Board meeting was held on this date at the Estero Fire Rescue District Meeting Room, 21500 Three Oaks Parkway, Estero, Florida.

Present: Chairman Roger Strelow, and Board Members Ryan Binkowski, David Crawford, Ned Dewhirst, and Jeff Maas. Absent: Board Members Marlene Naratil and Scotty Wood.

Also present: Nancy Stroud, Esq., Community Development Director Mary Gibbs, and Village Clerk Kathy Hall.

## 1. CALL TO ORDER

Chairman Strelow called the meeting to order at 5:30 p.m.

## 2. PLEDGE OF ALLEGIANCE

Chairman Strelow led the Pledge of Allegiance.

## 3. ROLL CALL

Village Clerk Kathy Hall called the roll; all members were present with the exception of Board Members Naratil and Wood.

## 4. APPROVAL OF AGENDA

Board Member Binkowski moved approval of the agenda, seconded by Board Member Crawford, called and carried unanimously, with Board Members Naratil and Wood absent.

## 5. BOARD BUSINESS

### (A) Approval of June 30, 2015 Meeting Minutes

Board Member Dewhirst moved approval of the June 30, 2015 minutes as presented, seconded by Board Member Crawford, called and carried unanimously, with Board Members Naratil and Wood absent.

## 6. ACTION ITEMS

Chairman Strelow called for Board Members to declare conflicts of interest and ex parte contact; there were no responses.

All audience members providing public testimony were sworn in by Village Clerk Kathy Hall.

**(A) Estero United Methodist – US 41 at Lords Way Street (District 4)**
- **Seasonal Farmers Market on Saturdays from November 7, 2015 through April 30, 2016 – TMP2015-00197**

Community Development Director Mary Gibbs provided a brief introduction regarding the public information meeting held in July. She noted the conditions as indicated in Resolution PZB 2015-05 and stated that she spoke with Dennis Strausbaugh, SW Florida Markets, LLC, regarding the conditions.

Board discussion followed regarding parking, site access, banners and vehicle signs, and the previous year's approval of the temporary permit.

Chairman Strelow called for public comment and no one came forward.

Board Member Crawford moved approval of Resolution No. PZB 2015-05, seconded by Board Member Binkowski, called and carried unanimously, with Board Members Naratil and Wood absent.

**(B) Genova Sales Center – South side of Corkscrew Road, East of Sandy Lane (District 5) – Administrative Zoning Amendment for sales center – ADD2015-00047**

Agenda item was continued.

## 7. PUBLIC INFORMATION MEETINGS

**(A) Via Coconut Point – 18.5 Acres South of Corkscrew Road and West of Sandy Lane (District 5)**
- **Comprehensive Plan Amendment to new land use category – CPA2014-00007**
- **Rezoning from Agricultural and Community Facility to Mixed Planned Development (297 residential units and 30,000 sq. ft. commercial) – DCF2014-00023**

Community Development Director Mary Gibbs provided a brief introduction.

Steve Hartsell, Pavese Law Firm, Focus Development Group, provided background and stated that both applications were found sufficient prior to the zoning in progress resolution going into effect, based on conversations with Bill Spikowski and Seth Harry.

Laura De John, Planner, Johnson Engineering, stated that the subject site was 18.53 acres located at the southwest corner of Corkscrew Road and Via Coconut Point, currently undeveloped, and was bordered on the north by Corkscrew Road, on the east and south by Via Coconut Point, and on the west by the railroad. She indicated that the site was designated as Suburban on the future land use map with a maximum density of 6 units per acre, which was the maximum standard density for residential in Estero. Ms. DeJohn spoke to public facilities; the Comprehensive Plan Amendment; the rezoning from Agricultural and Community Facility to Mixed Planned Development; site context and market responsiveness; zoning in progress; Village Center concept; site design set up to be able to cross east and west on railroad tracks; buildings oriented to the street; compatibility consideration for residential along Happy Hollow Lane; central node area; open space; block concept; parking; and water management.

Bob Koch, Architect, Fugleberg Koch, spoke to grid-type road system; mixed use; infrastructure sufficiency; median cuts on Via Coconut; storm water management; open space; parking; and stormwater retention.

Board discussion followed related to encouraging internal pedestrian use; ensuring quality of development; the possibility of the zoning being adopted contingent upon the plan amendment being approved; greater intensity of residential use; types of commercial uses; sidewalks; village center; bike paths and access along the railroad; and density.

Public Comment:
Kenneth Pryor, Estero resident, inquired regarding density calculations and the width of the sidewalk abutting Via Coconut Point.

**(B) Shoppes of Coconut Trace – Lyden Drive at US 41 (District 2)**
- **Modification of Zoning Resolution Z-03-011 to eliminate restriction for certain uses for a parcel at the south end of the project**

Community Development Director Mary Gibbs provided a brief introduction.

Greg Roth, Civil Engineer, Bohler Engineering, provided background information regarding the project and spoke to site plan; allowable uses; proposed zoning requests; amending conditions #2 and #3; placement of monument sign; 5% parking reductions; and intensity of southern building limited due to parking.

Board discussion followed related to use limitations; meeting the site location standards; close proximity to Marsh Landing; Coconut Crossings access; direct access from Lyden Drive; the monument sign; and the possibility of outdoor seating.

Public Comment:
Connie Mansfield, President, Marsh Landing Community Association, inquired regarding restaurant uses on the north and south parcels.

Doug Olson, Trinity Commercial Group, noted that the parcel fronted US 41 and spoke to the proximity of the parcel to Marsh Landing, which was no closer to residential development than any of the other commercial developments.

**(C) Coconut Point (District 6)**
- **Administrative Amendment to add use of "paint and sip" business internal to Coconut Point shops (Pinot's Palette)**
- **Administrative Amendment to permit certain temporary uses such as farmers market/art fairs**

Agenda item continued.

## 8. PUBLIC INPUT OF NON-AGENDA ITEMS

None.

## 9. BOARD COMMUNICATIONS / FUTURE AGENDA ITEMS

At the suggestion of Board Member Binkowski, Board discussion followed related to potential connections being reflected on Master Concept Plans that may be adjacent to or abutting the railroad. Some questions considered were: How can we do this today to allow for provisions in the future? What are the expectations and who bears the cost? Who is crossing where and is the Village responsible for additional permitting.

Community Development Mary Gibbs noted that the September 1, 2015 Board meeting was cancelled; September 22, 2015 was the next regular meeting date, due to the meeting room being unavailable on September 15. Discussion ensued regarding concern of being prepared for the next meeting related to the Bill Spikowski interim Comprehensive Plan amendments.

## 10. ADJOURN

Board Member Dewhirst moved to adjourn, seconded by Board Crawford, called and carried unanimously, with Board Members Naratil and Wood absent. Chairman Strelow adjourned the meeting at 7:48 p.m.

Respectfully submitted,

Kathy Hall

Kathy Hall, MMC
Village Clerk

Minutes approved as submitted: October 20, 2015

# ATTACHMENT G

## Estero Community Planning Panel
## Minutes of February 16, 2015 and
## March 16, 2015

MAR 3 0 2015
COMMUNITY DEVELOPMENT

**ESTERO COMMUNITY PLANNING PANEL**
**Minutes of Public Meeting #170 – February 16, 2015**
**Estero Community Park, Estero, Florida**

DCI2014-00023

**CALL TO ORDER:**

The Meeting was called to order at 5:00 p.m. by ECPP Chairman Lienesch.

Panel Members present: Jack Lienesch, Chairman; Estero Community Association, Roger Strelow, ECCL; John Goodrich, ECCL; Ned Dewhirst, Estero Development Community; Paul Roberts, Estero Development Community, Neal Noethlich, Emeritus Chairman, Jeff Maas, Estero Chamber of Commerce, Greg Toth, Founding member; Bev MacNellis, Treasurer (arrived late) and Howard Levitan, Secretary. No member was absent for tonight's meeting.

Also present were Nick Batos, Chairman of the ECCL, various representatives of Stock Development and their agents, and many members of the public mostly from the Wildcat Run Community and the other Eastern Corkscrew Communities. Finally, Sharon Jenkins-Owen from the Lee County DCD Planning Staff was also present at this meeting.

Public Notice: Secretary Levitan reported that the meeting notice was posted on the ECPP website. The Agenda has been posted for over a week on the website. He noted that a quorum of the ECPP was present for this meeting.

Minutes of the Prior Meetings. Chairman Lienesch reported that the minutes of the January 26, 2015 Meeting of the Panel were prepared by the Secretary, had been vetted by the Panel, and had been posted on our ECPP website. Subsequent to posting there were two minor corrections by Neal Noethlich and Greg Toth, which have been corrected and will be reposted with the final version. A motion was made, seconded and unanimously passed to accept the January minutes as corrected to be replaced on the website.

Treasurer's Report: Treasurer MacNellis arrived too late to present her Treasurer's Report.

PRESENTATIONS:

1. Genova Development Comp Plan Amendment and Rezoning: Preliminary Presentation

Materials presented for review: Genova CP – Site Plan 3 by Wallace Homes dated 1/28/2015.

Presentation by the Developer. The presentation was made by Jim Wallace of Wallace Homes and Josh Philpott, Senior Planner from Stantec, Fort Myers. This is a preliminary presentation and does not count as a Public Information Meeting for purposes of the requirements of the Land Development Code.

The concept presented by Jim Wallace is for U shaped buildings with six buildings overall in the development. There would be a clubhouse with fitness center and a covered 25 meter swimming pool. Wallace showed the architectural plans for the buildings, which would include three

stories of residential units over the garage space. The garage level has a unique internal courtyard, which will extend up through the plaza level, which is the first residential floor. There would be two car garages for each unit, which include garage doors. Wallace stated that this design format would reduce the number of parking spaces on the outside of the buildings, and place approximately 21 spaces for guest parking inside each garage scattered around. The atrium or courtyard feature would be unique, and would also serve the purpose of ventilation for the garage.

Typical buildings are U-shaped and all of the living spaces, master bedrooms, lanais and terrace areas are facing the courtyard overlooking the atrium. This is designed in Mediterranean style, but was referenced by Wallace as having a Genoa, Italy style of design with a more urban Italianate theme. Some of the buildings are both three and four stories over parking that step up so that the roofline is varied. The buildings are designed to be as attractive on the outside as the inside. The exterior façade abuts not residences or unit windows, but rather the inside corridor for access to the units. Color schemes will be somewhat consistent throughout the development, and will be harmonious with 9 colors in the palette.

The proposed site plan was then discussed. The Corkscrew and Sandy Lane Overlay Districts require the buildings to be right next to the roads (Corkscrew and Via Coconut). They have moved the buildings back from the road and created a linear park on both sides of the building. There is also a connection on the south as near to the proposed Western exit to the Community Park. This will be a gated community, but without as many walls, as the buildings themselves act as the walls with security fencing in between. The openings in the garages at ground level will have wrought iron security fencing and this feature will also be used between the buildings. The lakes shown on the Site Plan are also security features for this community. There will be a gatehouse on the exit, but carefully designed with the actual security component interior to the architectural features nearest the road. They are considering adding landscaping to the median on Via Coconut adjacent to this development. They also may want to add canopy trees along the road and move the sidewalks back so that the road would be quieted or calmed.

Wallace stated that he had had some discussions with Seth Harry (Estero Consultant for the Village Center Project) to develop the idea to move the sidewalks with the canopy trees and put a wall 5 feet from the property line. This could also be proposed as three feet of buffering with a two foot security wall. Harry is also talking about having some form of smaller, studio or one-bedroom apartment added to the exterior of the garage level looking out to the landscaping to have a softer view upwards. They still are in flux on all of these additional exterior Accessory Dwelling Units (ADUs) concepts. No consensus was achieved between Seth Harry and Jim Wallace, who stated that ultimately Estero has to decide what it wants, e.g. would it be better to have a linear park or these ADU residences along the roadways? There would be more density required to do the exterior units at ground level. He went on to state that he believes that most people feel that Via Coconut will change over time, but this would be Estero's decision.

Josh Philpott, from Stantec, then spoke to some of the land use decisions that they will be looking for. Currently 17 acres of the site is in the Suburban Land Use Category allowing 6 units/acre. The current plan is for 195 units, which would be about 11 units/acre and if they do the exterior ADU units it would be about 12 units/acre. They are proposing to present a

DCI2014-00023 MAR 3 1 201

Comprehensive Plan Amendment seeking to change all of the property to the Intensive Development Category. They also will do a concurrent rezoning to Residential Planned Development (RPD). There currently is 4 acres zoned Commercial Planned Development (CPD) in the northeast corner which allows about 50,000 s.f. of commercial uses, therefore they believe that switching to RPD for the whole will reduce the overall traffic impacts.

Comments from the Panel:

Jeff Maas. Asked whether there is a fence or wall around the property? They do not plan to have a perimeter wall, but the buildings act as their own security fence with railings/fences between them which likely will not be seen. Maas then asked what the interplay is with the Community Park? They responded that there is a pedestrian gate at the South and perhaps one on the east side of the property into the Park. The County may want the interconnect to be through the main gate of the park rather than the planned interconnects, because the park is locked at night. Maas also asked what the overall height would be, and the answer given was 45 feet to the eaves.

Paul Roberts. Wanted to clarify that the exterior corridor around each floor would be air conditioned. The answer was yes, and the windows on the corridor would be hurricane glass with the other side of the exterior corridor made from cinder blocks for reduction of noise transmission. Roberts stated that he has no issue with the density, and likes the Seth Harry suggestions.

John Goodrich. Asked about the linear park along Corkscrew and whether it will run down Via Coconut as well. The issue for the developer is satisfying SFWMD with respect to sufficient water management resources. One of the discussions at the EDRC on this project was a bus stop in front of the Via Coconut side or at least a pull off. Wallace stated that this would require County permission. To clarify the height limits, Wallace reiterated that the buildings will be no higher than 3 stories over parking and 45 feet to the eaves.

Greg Toth. He disclosed his conflict of interest in this project. He does not like Seth Harry's suggestions.

Roger Strelow. He thinks this is a very innovative plan. He suggests that they use this development and community as a model for bicycle improvements instead of three-foot wall along the roadside. He wants to use a bike path/sidewalk rather than the roadway. Wallace does not want to lose the linear park along the roadways, but also stated that he likes the added density of the ADUs. Wallace and his team are still in the process of thinking about these concepts in the hopes that somehow they can do both. They do not necessarily like the wall that Seth Harry has suggested.

Ned Dewhirst. Dewhirst stated that he thought the project was well done and well thought out. He advises that when going through the comp. plan amendment and zoning to get the additional density, they include all of these drawings as exhibits of what they are proposing to ensure that the final development order is consistent with the high quality plans they are showing tonight. He favors the linear park at least on Via Coconut, but not necessarily on Corkscrew, since the

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sidewalk is close to the road anyway. Also wants to see interconnection with the park, and believes that they will need a deviation for the lack of a second egress. In discussion about building the swimming pool as part of the community park, Wallace also clearly stated that they could not allow the swimming pool to be a public facility. Wallace also disclosed that they are currently seeking an administrative amendment with respect to the CPD area to allow a temporary real estate sales facility near to the adjacent existing cell phone tower.

Chairman Lienesch read the comments from Don Eslick with respect to the Seth Harry/Spikowski Final Report on the Town Center Project (included as a separate attachment). Eslick is opposed to this project and asked that these comments will be a part of and attached to the minutes, which will be done as per Chairman Lienesch. With respect to the pool issue mentioned in the letter, Jim Wallace specifically restated that it would not work, and could not be done.

Neal Noethlich. He is concerned more about process than the architecture. They will have to deal with LDOT as to the sidewalk proposals along with amendments to the Comp. Plan, Rezoning and administrative amendment/deviations. He would like to see a cooperative team going forward so that there is full agreement for the public hearing before the future PZB or Council. They stated that they know they have to coordinate with all sorts of agencies on this project, including LDOT, which has the ROW at present. Noethlich is suggesting that their be a team effort on this development.

Comments from the Public:

Patty Whitehead. She asked about the Spikowski discussion held at Estero Fire and Rescue, and about affordable housing needs in Estero. The developer stated that the price point here would be $250K-450K and some of the ADU's would be $250K-295K. The issue is whether this is affordable housing. She asked about the homeowners' fees, and the response was without tennis or golf or dining, they would be about $500 per year.

Jim Dodge from Wildcat Run. He also suggested putting in the pool on the park property, but Jim Wallace said it would be a problem with security and exclusivity for the residents. It simply is a fact that it is not what people are looking for today from a market standpoint. Wallace believes that the buyers want to obtain a variety of amenities, but at a reasonable cost.

Chairman Lienesch summarized that overall the ECPP supports this project based on these preliminary drawings. There is an issue with the interrelationship of the project with the overall Seth Harry/Spikowski report. Wallace said that he and Harry are in harmony, and that it is now a question of whether Estero is in agreement. There are opinions on both sides of whether to do the linear park or the additional ADUs.

2. Via Coconut Point Urban Place/MPD:

Materials presented for review: Application for Planned Development Public Hearing filed January 20, 2015 with the Lee County DCD; Context Map of Area Dated 1-08-2015; Proposed

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Site Plans from Fugleberg-Koch PLLC; Character Images dated 2/16/2015, and Estero Master Plan Side by Side also dated 2/16/2015.

Presentation by the Developer: Steve Hartsell, Esq. of the Pavese Law Firm and Laura DeJohn from Johnson Engineering represented the developer, Focus Development Group, LLC. Jeff Graef of Focus Development was also present along with Bob Koch, Architect. This is the second presentation before the Panel, since the preliminary discussion in July, 2014. The proposal relates to an 18-acre parcel along Via Coconut on the west side. It is zoned AG-2 and is designated as Suburban with 6 units/acre and is in the Mixed Use Overlay. The property is located east of Happy Hollow Lane as it goes up to Corkscrew Road. The 2035 EAR Plan for the County called for this area to become Urban Place with higher density, however the County has not moved forward in enacting these recommendations. They are seeking a land use Comp. Plan Amendment to a new land use category consistent with the Urban Place concept. This would allow 18 units/acre density based on the bonus density by virtue of the mixed-use overlay. There would be a maximum of 335 units on the site plus 30,000 s.f. of commercial space in the narrow part of the land on the north side going up to Corkscrew Road. They say that they have coordinated with the Seth Harry/Bill Spikowski Plan Report, and have changed their designs to comply with the concepts envisioned by this study.

The Comp. Plan Amendment application has been found to be sufficient by Lee County Staff, and they say that the Zoning Application will be deemed sufficient when they have these minutes completed. They are moving forward in the review process with County Staff on the theory that is likely that the Village of Estero will also be contracting for review with the Lee County DCD Staff, but the ultimate decision on the applications will be up to the Village Council both as to process and the final approval. This current discussion will act as the public informational meeting required by the current Land Development Code which will become Estero's transitional Land Development Code.

Laura DeJohn, from Johnson Engineering, gave the background of how the plan has evolved since the July, 2014 presentation. They will be seeking the Mixed Use Plan Development (MPD) designation, however the residential density will be located on the bottom parcel with 30,000 s.f. of commercial space on the northern side running up to Corkscrew Road. Working with Spikowski and Seth Harry, they looked at the bigger picture of the Village Center across the railroad Right of Way (ROW). The emphasis of the Harry/Spikowski Report is on how to connect the development(s) on the North Point land to the west of the railroad ROW with the Community Park, which would be a significant part of the planning for the overall Village Center project.

She also discussed the issues of the Sandy Lane and Corkscrew Overlays, both of which seek to push the buildings up to the street line. Seth Harry thinks we should turn Via Coconut into a two-lane roadway with on-street parking rather than a four-lane 45 mile/hour roadway. They want to design to this concept even though it may be difficult for Estero to achieve this plan. She then stated that their plan is consistent with a zero to 25-foot setback along Corkscrew and Via Coconut Roads. In other words, they would meet current Code, but plan for the future if Estero can make their plans for Via Coconut Road come to fruition. They also have been working with Seth Harry and Spikowski in the central area of their development plan with a roundabout which would be an activity mode to allow for public interconnectivity if there

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ultimately is an east-west connection in this area from the North Point property across the ROW to the Community Park.

As stated previously, they are seeking a new land use designation, which they call the Via Coconut Place Urban Category. They are also seeking several deviations for the number of parking spaces in the residential portion, and they seek to not require the internal roads to meet normal street row standards. They also are asking for a deviation for buffering requirements near residential areas in the north part near Happy Hollow lane.

Bob Koch, architect, then presented the architectural features of the site plan. The site along Via Coconut was predetermined for turns in and out due to the median cuts that presently exist. The one in the center of the project would be the primary connective corridor. They understand that the railroad ROW is a real barrier and the interconnection may never occur. The evolution of the centerpiece therefore became an important aspect of the planning for this development, especially to make it attractive and usable even if the interconnect never gets built. They felt that this internal road has to deaden traffic, and thus they decided to utilize a roundabout. This also gives better pedestrian connectivity going north and south. On this connectivity corridor they are also putting mixed-use liner buildings for retail. In other words, the crescent curved buildings along the central right of way would be designed as commercial below with residential units above. Koch feels that putting residences right to the street along Via Coconut for new urban purposes may not be feasible without some buffer zone along the street. These are three-story buildings some of which are facing the building and others are on the other side near the parking. There are two possible east-west crossings based on the current median cuts. The north portion is commercial and they have allocated some connectivity in the planning to interconnect at this point as well (although it not really likely that Estero will be able to obtain two RR crossings). Looking at the plans in the Seth Harry Report, he stated that the interconnections on his plans are the same two connections on an east-west basis.

Koch continued with a discussion of design features in garden districts of various urban areas, including having a stoop or front porch above ground level. They also had a third entrance on the site at the south side for emergency basis, however there is no median cut there and the County was not favorable to this. One problem that Koch has with the Town Center Plan is that the Seth Harry/Spikowski Report did not discuss a unified plan for storm water retention thereby leaving it up to each individual parcel. In this case, the only lake big enough for water retention on their parcel is on the widest part of the parcel at the Southern end. They say that comparing their plan to the Seth Harry plans, it matches up completely. They also say it would be designed for workforce housing.

Comments from the Panel.

Secretary Levitan asked a procedural question as to the requests before the County for right of way vacations. They say that there is a drainage easement running east-west on the property, but not a public ROW. Greg Toth explained that the owners/sellers of the property have a proposed ROW vacation pending for the north/south segment of former Sandy lane that is no longer needed due to construction of Via Coconut Point.

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Roger Strelow. This is a property at the east end of a larger piece of property, and he appreciates the careful, creative thinking about how to interconnect to the other lands in the planning process. He thinks we in Estero should therefore be as helpful as possible to the developer and continue to work with them.

Ned Dewhirst. In general it looks like a great project, and he has no problem with the additional density, although for him it is hard to tell what the density is contemplated to be. The proposed CPA is requesting a standard density of 18 units per ac resulting in 333 MF units. The MPD is proposing 297 units on the 16-acre residential parcel at a density of 18 units/acre. Therefore, they are not doing a so-called super mixed-use project with double counting of the commercial acreage. How do we make sure that we get what is described on the Site Plan and photos into the comp. plan amendments and zoning approvals? How do we get the quality of the residential structures as shown on their comparative buildings from other projects? They have not done any detailed building designs yet. Dewhirst says that there needs to be some building and elevation exhibits as part of the zoning request so that we are assured of the high quality of the buildings being represented at this time in exchange for allowing the significant increase in density. Dewhirst then asked whether the main future interconnection to the west would be treated as a public road. If so, there needs to be an access easement to this interconnection or a requirement for public dedication in the zoning approval. He is also concerned from the point of view of the development community where the developers are conforming to a plan concept, like the Harry/Spikowski Report, that is not regulatory. He feels that this is sort of a de facto regulatory plan that has not been approved but we are designing projects to comply with it. Finally, Dewhirst feels that they need to do a better job of buffering along Happy Hollow Road and not deviate from the requirements of the LDC. They responded that additional buffering does not seem right to them, since this area may likely be redeveloped into a commercial area at some future point. Dewhirst responded that this deviation may be difficult to obtain, and the County may need to protect these single-family residents by buffering the commercial areas.

Neal Noethlich. With respect to Walmart, they were able to get the planning concepts regulatory in the approval process.

Greg Toth. Disclosed his conflict of interest with this project due to his interest in the parcel as an owner. He appreciates the effort to line up with the North Point planning done by Seth Harry/Spikowski. He stated that they have already bought one house at the end of Happy Hollow, and there are three more plus the greenhouse, mostly which are used for rentals.

John Goodrich. He wants more clarity as to what happens along Corkscrew Road next to the agriculture building. They show two commercial buildings. The north building is consistent with the Sandy Lane Overlay orienting the building to the corner. It will be right at the sidewalk at this point, which is zero setback (Sandy Lane Overlay is 0 to 25 feet). He does not like this even though it is in compliance with the Overlay. These commercial buildings are only pads since no tenants have been identified, and they said things may change over time. The owner is still trying to obtain some of the parcels on Happy Hollow to make the corner more attractive. John Goodrich again repeated that he does not like the corner building setback.

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They stated that they have to revise the MCP for the County. Dewhirst added that he was concerned about ECPP not having the MCP, the requested deviations, or a schedule of uses along with a full application at the time of our review. Dewhirst then asked whether they are planning on coming back to the Panel when they have a full application to present to us. Hartsell responded in the negative, that this would be the only public information meeting. Hartsell did read off the schedule of uses that they propose. It does include fast food, which caused some issues with the Panel. Greg Toth asked them to tailor down the schedule of uses, but Dewhirst said that it is hard to properly respond to just an oral presentation of the uses. Hartsell stated that they understand that we have concerns about gas pumps or fast food. They will get the full application to us including the MCP, Deviations and Schedule of Uses, but do not plan on returning for an additional public information meeting.

Paul Roberts: He stated that he does not have a problem with this development.

Jeff Maas: Maas stated that he was acceptable to a fast food use for the crescent areas in the development, but not with a drive through window as a standalone on Corkscrew or down Via Coconut.

Comments from the Public:

Bill Prysi from the EDRC echoed some of the comments, but stated that based on the previous project which had a commitment of quality and vision, this plan has presented nothing but a site plan to look at with no features that gives us the assurance of high quality.

Chairman Lienesch summarized the feelings of the Panel that we cannot send to the County any sense of whether we are in support of this project, since we have not seen a full application. Hartsell stated that Lee County will not be giving any approvals with respect to this project. It will be decided completely by the Village, but they are continuing with the process of review with Lee County Staff. They understand that the Comp. Plan Amendment needs to get done first and then they will combine it with the zoning application to get the final approvals by the Village Council. Chairman Lienesch also stated that the Panel was not in favor of the deviation for buffering adjacent to the housing on the north side. He also reiterated that they agreed to email us the MCP, Deviations, and the schedule of uses. Dewhirst suggested the panel review these documents and send comments by email only so to alleviate another panel meeting attendance; the panel members agreed.

3. Corkscrew Crossing MPD.

Materials Presented for review: PPT dated 2/16/2015; Resubmittal Documents including Aerial MP Overlay-Site by Grady Minor dated 2/5/15, AMC Master Plan (Rev. 2) – C – Plan by Grady Minor dated 2/4/15, and Traffic Impact Study by JMP Transportation Engineers, Inc. dated 1/27/2015.

Presentation by the Developer. The presentation was made by Wayne Arnold and Sharon Umpenhaur from Grady Minor and Jim Banks as to the traffic impact study (TIS). They came to us in October as a preliminary informational meeting, until they got sufficiency comments from

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the Staff, which they now have. The Project consists of 396 acres with access onto Corkscrew Road, and was previously zoned for 724 units, mostly multi-family units. They think that the market is now single-family so they are reducing the density to 625 units. One identifiable issue still outstanding is the wildlife corridor, which would come down from Wild Blue, and the panther crossing near the Preserve to the East.

Off-site preserve areas are on the Preserve to the east, and winding down to the South of their lot. They have a drainage feature along the east and which then discharges to the south. They are working on development standards similar to other RPDs in Estero. The Multi-family product will be on the north side of the project and will be better identified as per Staff comments to them. They are also planning for an emergency interconnect with Wildcat Run, however it is not yet known whether Wildcat Run has agreed to this as an interconnect or just an emergency exit. This is a 100% residential project therefore there should be less concern about architecture for Estero. They want comments from us at this meeting, and will then go back to Staff for a more detailed view to achieve sufficiency. They likely will have to go to the planned Estero Planning and Zoning Board, and then on to the Village Council for final hearing. They are in the ERP process with South Florida Water Management (SFWMD), and have not gone back to the Army Corps of Engineers yet with revised plans.

Comments from the Panel:

Ned Dewhirst. He asked about the planned interconnect with Wildcat Run at the least for emergencies, which would likely benefit both communities. Wildcat Run stated that they have several access points therefore any emergency exits to their streets would not benefit them.

Neal Noethlich also talked about the access points. He asked about the potential purchaser, which was stated to be a company named Argo Corkscrew. His issues are water sources and flow and whether they have to tie into the Wildcat Run water systems for flow ways, ditches and canals. They said they have no connections, but SFWMD may have different thoughts. Noethlich is also concerned about building heights and site lines. Wayne Arnold said the height limitation is 35 feet (two stories) for the residential and 48 feet for the multi-family, which is what was already approved in the previous zoning.

Jeff Maas asked where the amenities were, and Arnold replied on the east boundary. No commercial areas are currently planned.

Howard Levitan asked from a procedural basis as to whether the TIS include potential development from Wild Blue. They say the answer may be different at the development order stage depending on who gets their zoning application done first (i.e. Wild Blue or this project). It depends on which stage the TIS relates to determine which project has to include the traffic generated by the other planned development.

Comments from the Public:

Glen Lawler from Wildcat Run. He asked them to show on the site plan where the homes are proposed and what they will consist of. They say this is shown on the Master Concept Plan, but

it will be one of several varieties of single family, multi-family and villas with common wall. They have not determined how and what will actually be built or where. The people from Wildcat Run are concerned about this especially as to the setbacks and buffer zones. Arnold said that the two developments will be separated based on the roads and buffer and the so-called moat on Wildcat Run property plus the 5-foot residential buffer on the Corkscrew Crossing side. The "moat" ditch is probably 20 feet wide to the property line.

Stewart Katz from Wildcat Run. He asked what the height limitation is on the two-family homes, and the answer given was 35 feet.

Joe Turkell from Wildcat Run asked about the height limitation on multi-family, and the response was 4 stories and 48 feet as allowed by the previous zoning. He asked whether they could put the amenities package on the west side, but Arnold said that this would cause light and noise problems for the adjacent homes in Wildcat Run.

Kate Kurtz from Wildcat Run. She wanted to know about the parking, but Arnold reiterated that this has not been defined yet. She also wanted to know about security, since the moat dries up in the Winter season. They say there will be a perimeter berm but do not yet know about a fence.

Karen Katz from Wildcat Run asked whether it would be a gated community, and the answer was yes.

Jim Kurtz from Wildcat Run. He stated that the traffic is already a real problem for Corkscrew Road.

An unidentified person asked what would be the price point of the units? The answer was market rates at the time they develop.

Joe Tergiligen. In the Monte Christo Plan there was a common entrance with Wildcat Run leading to two gates. Now their entrance has been moved over to one side so no common entrance. He repeated that no emergency access is needed for Wildcat Run, so there is no benefit to them to have an emergency interconnect. Arnold stated that Staff is likely to push for the emergency connection point.

Russ Radcliffe from Wildcat Run. They think that the water flow is a key issue and they do not want to lose any water barrier. They are also concerned about Corkscrew Road getting to 4-lane status.

David Bradford from Wildcat Run. He asked about the water flow as well. Arnold stated that with respect to the water flow from their property, they need to go through an ERP (environmental resource permit) with SFWMD. They cannot impact the Wildcat Run site. He believes that they will ultimately develop 625 units with 62 multi-family units. Nothing will preclude them changing the mix but they have to stay in the areas shown on the MCP. Bradford then asked about setbacks, and Arnold answered that they would be 20' and 25' to water. He went on to state that they are not required to do berms or walls. They are only providing for

minimum type A residential buffers at present, but likely this will be market driven based on the level of the buildings.

Kathleen Fitzgerald (Wildcat Run HOA President) wants to see a more attractive buffer than a Type A plan. Wayne Arnold agreed to meet further with Wildcat Run as they progress with the permitting.

Fred Fitzgerald with Wildcat Run. He asked whether from a procedural point of view can a plan be relooked at later on after it has been approved? Arnold stated that they are vested with what got approved in the past, but are now asking for some changes. These revisions need to get approved by the Village Council as an amendment to the RPD. The issue may also be if Estero changes the time frame for coming back for approvals if a project is not built after a certain time period. Presently there is no end to an approved plan under Lee County Land Development Code.

Chairman Lienesch summarized the fact that this plan has been back to the ECPP many times over the years and has vested approvals. The amendments seem to have the general support of the Panel, but there is still a long way to go with respect to this project. The final approvals will be determined by the Village Council.

**ECPP ISSUES**:

1. ECPP Procedures Post Incorporation. The Panel will have a meeting in March, and they will continue on in the same fashion until the Village Council says otherwise. Ned Dewhirst feels that there may be a need for the facilitation of public informational meetings well before any final review / decisions by a zoning or development review board, which the ECPP could still deal with if it continued in the same fashion. The problem with this is whether we would have enough volunteers in Estero to populate the Panel along with the other advisory boards.

2. Land Development Code Revisions. Bill Prysi will finish the LDC Revisions draft and give to Roger Strelow for the Transition Book. This will not be the all-inclusive version of the drafts.

3. Member Issues: Howard Levitan has to resign as secretary on 3/3/2015 when the members-elect to the Village Council go into the Sunshine. Jack Lienesch asked for a volunteer to do this for a few months. No volunteers stepped forward at the meeting. Greg Toth will ask at the University for a volunteer. Jack Lienesch also asked whether anyone does not want to continue on to be considered for the PZB. John Goodrich and Jack Lienesch both said that they would prefer not to move to the PZB. All others stated that they would like to do this.

4. Public Comments: None

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Next Meeting is March 16, 2015

Meeting was adjourned at 8:40 p.m.

Respectfully Submitted,

Howard Levitan, Secretary

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**ESTERO COMMUNITY PLANNING PANEL**
**Minutes of Public Meeting #171 – March 16, 2015**
**Estero Community Park, Estero, Florida**

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**CALL TO ORDER:**

The Meeting was called to order at 5:00 p.m. by ECPP Chairman Lienesch.

Panel Members present: Jack Lienesch, Chairman; Estero Community Association, Roger Strelow, ECCL; John Goodrich, ECCL; Ned Dewhirst, Estero Development Community; Neal Noethlich, Emeritus Chairman, Jeff Maas, Estero Chamber of Commerce, Greg Toth, Founding member; Bev MacNellis, Treasurer. Paul Roberts was absent for tonight's meeting.

Also present were Howard Levitan, Estero Village Council, several representatives from the Coconut Crossing development project and their agents, and Laura DeJohn, Jeff Graef and Bob Koch for the Via Coconut Place MPD project. Finally, Sharon Jenkins-Owen and Chip Block from the Lee County DCD Planning Staff were also present at this meeting along with four members of our EDRC and several interested residents.

Public Notice: Chairman Lienesch reported that the meeting notice was posted on the ECPP website the previous week. A quorum of the ECPP was present for this meeting.

Minutes of the Prior Meetings. Chairman Lienesch reported that the minutes of the February 16, 2015 Meeting of the Panel were prepared by the Secretary, had been vetted by the Panel twice, and had been posted and reposted on our ECPP website. A motion was made, seconded and unanimously passed to accept the final version of the February minutes as posted.

Treasurer's Report: Treasurer MacNellis reported $956.44 in our bank account with one outstanding invoice for a previous meeting. Motion to accept the report was made, seconded and approved.

Chairman Lienesch explained why this is the final public meeting of the ECPP after nearly 15 years. The newly elected Estero Village Council will soon appoint by ordinance two groups reporting to them which will have similar responsibilities and more authority than the ECPP and EDRC currently enjoy with Lee County.

PRESENTATIONS:

1. Coconut Crossing MPD: Presentation by Tom McLean and Bob Mulhere from Hole Montes. This is a follow up presentation to the July 2014 preliminary presentation for a Comprehensive Plan amendment for this property from Urban Community to the Intensive Development Lee Plan category and an amendment to the MPD zoning in order to achieve higher densities on the project. Two alternate master concept plans are proposed -- the first is the same as was originally approved; the second is a redesign of Development Area #1 (East side) which attempts to achieve a town center feeling with buildings close to the reverse frontage road similar to Fashion Drive in Coconut Point. To develop this concept, several deviations from

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current requirements in Estero will be required: buildings will front on the internal road and not US41, thus requiring parking behind the building and adjacent to 41. Another is requesting a maximum height of 95' with parking underneath the structures and featuring one to two levels of office topped by residential units above. A few other changes were noted including reshaping the dry detention area, moving the required trees in the buffer to internal to the walkable areas, requesting parallel parking on the frontage road and allowing shared parking along it similar to Fashion Drive.

Discussion of the buffering from 41 included a sightline analysis of adjacent traffic showing that with the planned berm and landscaping additions, the vehicles in the parking lot would be essentially invisible to the 41 traffic.

McLean noted that the original zoning for the MCP allowed 75' building heights but was granted in 1998, before Estero's LDC was adopted limiting heights to 45'. Achieving Intensive Development zoning in the County would allow 120' building heights, although this could be further conditioned by Estero's Village Council as appropriate.

General questions/comments by several members of the panel:

Traffic increase? From today's zoning of 631 2-way trips/day up to 1000. A new analysis has not yet been done.

Density Calculation? For clarification the zoning request includes using the "super mixed use" planning option which calculates project density over the entire project site (inclusive of both commercial and residential areas) in exchange for meeting certain mixed use criteria.

Usages? The usages listed are typical of "bubble zoning" -- everything that is in the county guidelines. It was strongly suggested that these be pared down substantially to be more consistent with the "mixed-use, walkable" design concept presented. The developers seemed to agree to this being done. One difficulty is that outparcel #8 is not currently part of their ownership and that parcel's owner wishes to keep his options open.

Where is the assurance of "high-quality design" consistent with the ability to achieve much higher density? The developer noted that they will commit to a "pattern book" or "beauty book" similar to what was done in the Coconut Point DRI to ensure consistent architecture and landscaping across the site. This would become a part of the zoning resolution to ensure that if the property were to change hands in the future, the agreed upon development guidelines would transfer with the deed.

Two FDOT entrances from US41 and one from Coconut Road were shown.

Several comments were negative to the maximum height being 95'. The chairman asked that sightlines be generated for the surrounding residential properties including the proposed residential portion of the entire site on the West.

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The panel was split on the town center concept -- some liked the buildings being set with zero lot line next to the internal street (termed an "inside out" design); others did not and preferred the original overlay concept with put the buildings close to US 41 with parking behind (like the Corkscrew Road overlay around the Estero Commons development). Some panel members were concerned that we were force-feeding the mixed use concept on properties that may not be conducive to its design/function based on the property's location. A general agreement that a beauty book outlining the architecture and layout of the site would assure everyone that the appearance would be pleasing before approval to move forward.

Chip Block from the county then updated the panel as to the status of this application: after two iterations it has been found sufficient (once tonight's public meeting is completed.)

Audience members also commented: Nancy Cohen liked this new concept for Development Area #1 much better that the original site plan that included a shopping center anchored by Kohl's. She also felt that various height buildings are an improvement to the monolithic appearance that Estero's 45' restrictions would generate.

Ryan Binkowski noted that this concept is much preferred over the traditional neighborhood development that is endemic in Estero today.. However he cautioned that most beauty books are attractive and interesting but NOT BINDING unless tied directly to the zoning resolution governing the property.

Chairman Lienesch summarized many of the concerns (noted above) and suggested that the island outparcel #8 should somehow be brought into the fold, if only by restricting its architecture to be consistent with the beauty book and its usages to be consistent with the rest of the mixed-use properties on site.

2. Via Coconut Place MPD -- revisit

This project was reviewed at our February meeting but several items did not appear to be well described in the original presentation. The developer agreed to send their responses electronically to the panel for review and it was included in tonight's agenda in order to place these comments in the minutes for a permanent record. Three of the developer representatives were present to clarify their responses to the concerns raised.

Ned Dewhirst read from his assessment of the materials sent:

Comments on the Master Concept Plan:

* The requested deviations are not clearly shown re: location

* As mentioned before, the road entry and connector road to west in the middle of the MF area should be conditioned to be dedicated for public ROW at such time is needed in the future and therefore roadway standards designed to be such now

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* The MF area is too conceptual to support such a drastic increase in allowed density in order to assure architectural quality and site layout efficiency; and to justify the requested deviations #1 and 3

* The proposed commercial in its limited size and configuration (approx. 145' in width) is hard to justify the project as an overall mixed use in order to justify the requested buffer deviation and also the requested uses

* Requested new access point 330' appears to be unwarranted when considering the location is just south of a major intersection (Corkscrew Road)

* Deviation #2 justification is based upon being a mixed use project; given the limited size and configuration of the proposed commercial area, this seems like a weak argument. It appears the limited width of the commercial land is driving the request.

* Given the proximity to FGCU, the parking space deviation reduction appears too aggressive at 13%. (See the Koch comments below).

Comments on Allowable Uses:

* Many of the proposed uses are not conducive to being a mixed use commercial area to enhance the MF area, such as auto parts store / bait and tackle / banks w/drive thru / convenience store / drugstore w/drive thru / EMS / hardware store / package store / Fast Food restaurants / used merchandise store etc.

* Given the location next to existing Single Family and the limited configuration, the commercial intensity and uses should be pared back to mostly gen/med office and limited uses that would enhance the MF project but not be intrusive to the existing SF area to the west. At such time in the future when that SF area has been vacated or purchased to be combined with the current proposed commercial land, then a more intense and variety of commercial uses could be justified.

[Bob Koch commented that there really should be a special designation for student housing, but one way to comprehend this is to fix the number of occupants in the lease that the owner (parent?) has to sign prior to any rental. Bob also assured the panel and audience that a beauty book with assured quality is fine, but the question remains as to where it fits in the approval process. He reminded the panel that 11 acres in this plan are designated residential; 3 acres for commercial. He also noted that 15% of all residential properties in FL are leased]

Chairman Lienesch noted for this project as well as for the Coconut Crossing project, the final disposition will be determined by Estero's village council when they become organized enough to provide zoning direction for properties in the village. This new process will probably begin as early as next month, as the ordinances creating a planning and zoning advisory board (PZB) and

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a design review board (DRB) have been drafted and can be approved after they make it through two readings by the council at public meetings and are adopted.

Other Items

The chairman explained to everyone again why this is our last meeting and outlined the new process going forward in which the function of the Hearing Examiner and County Board will be replaced by the Village Council acting on the recommendations of the PZB and DRB. He noted that these organizations will be expanding their control beyond being purely recommending bodies to the county to include regulatory powers going forward. He indicated that many of the members of today's ECPP and EDRC will also be considered to be potential members of the new organizations.

Concluding Remarks

Finally, the chairman mentioned specifically three individuals who have been with the ECPP for most of its existence dating back to the early 2000s.

1. Don Eslick -- "Mr. Estero" who was a founding member of the panel and a visionary leader without whose guidance and counsel we never would have enjoyed the success we have.
2. Neal Noethlich -- the original chairman (meetings 1-100) who has continued his vision and guidance as an emeritus member since then.
3. Greg Toth -- a founding member for the development community who has been a stalwart representative for over 14 years.

Others who were instrumental in the launching and early success of the ECPP include Mitch Hutchcraft, Dan DeLisi, Eileen Galvin, Sis Newberry and David Graham (in whose honor we created the Estero Award for Excellence in Development.)

There have been many successes in our efforts (Lowes, Coconut Point, Wal*Mart) and a few disappointments (Race-Trak and one or two others); all in all, we can be proud of the legacy we have been instrumental in leaving for those that follow us and for the new Village Council.

Several members of the audience thanked the panel for its service.

Our final meeting was adjourned at 8:10 p.m. Refreshments were available in an adjoining room to celebrate the history of the panel.

Respectfully Submitted,

Jack Lienesch, Chairman and acting Secretary

# ATTACHMENT H

## Agricultural Affidavit

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## AFFIDAVIT OF AGRICULTURAL USE

**STATE OF FLORIDA**
**COUNTY OF LEE**

BEFORE ME, the undersigned authority, on this 20th day of August, 2014, personally appeared Stephanie Miller, in her capacity as Trustee for Land Trust dated 3/21/97 and as Trustee for Land Trust dated 1/9/04 and as General Partner of Wildcat Hollow LLP who is personally known to me or who produced Known to ME as identification and who did take an oath, who deposes and says as follows:

1. I am the owner of the follow described property, to wit:

   See Attached "Exhibit A"

2. That the above described property has been used for bona fide agricultural purposes, for the growing of row crops, at the time of the Lee County Board of County Commissioners review and consideration of the rezoning of the property described in attached "Exhibit A."

3. The agricultural use of the property is an existing bona fide agricultural use.

4. The agricultural use is being conducted on the entire 18.53± acres that is subject to rezoning. The entire property described on the attached "Exhibit A" is being used for row crops.

5. Affiant further states intent to continue the agricultural uses on the property, and when a Lee County Development Order is obtained, the owner will cease agricultural operation on that portion of the property subject to a Lee County Development Order.

6. Affiant further states that she is familiar with the nature of an oath; and with the penalties as provided by the laws of the State of aforesaid for falsely swearing to statements made in an instrument of this nature. Affiant further certifies that she has read, or has heard read to her, the full facts of this affidavit and understands its meaning and context.

**FURTHER AFFIANT SAYETH NAUGHT.**

Stephanie Miller

**Signature**
**Stephanie Miller**
**Trustee for Land Trust dated 3/21/97**
**Trustee for Land Trust dated 1/9/04**
**General Partner of Wildcat Hollow LLP**

Date 8/20/2014

**STATE OF FLORIDA**
**COUNTY OF LEE**

SWORN TO and subscribed before me on the date and year first above written.

**STAMP/SEAL**

**Signature of Notary Public**

Commission No. FF 070440

Brenda C. DeForge

**Print, type or stamp commissioned name of Notary Public)**

EXHIBIT C