



ESTERO TOWN CENTER
Zoning Staff Report
for
Planning, Zoning and Design Board

PROJECT NAME: Estero Town Center - Wawa

CASE TYPE: Amendment to Commercial Planned Development Zoning

CASE NUMBER: DCI2021-E004

PLANNING, ZONING AND DESIGN BOARD MEETING: July 12, 2022

SUMMARY OF REQUEST

The applicant has requested to amend the following Estero Town Center Commercial Planned Development (CPD) to allow a Wawa Convenience Food and Beverage Store with Gas at the intersection of Corkscrew Road and Estero Town Commons Place, more specifically on the Ruby Tuesday lot.

- Allow a Wawa Convenience Food and Beverage Store with Gas at the intersection of Corkscrew Road and Estero and Commons Place, more specifically on the Ruby Tuesday lot, in Village Area 2.
- Allow a fast-food restaurant use within Estero Town Commons Place on Corkscrew Road, in addition to the Convenience Food and Beverage Store with Gas being requested.
- Amend Deviation 2.A. from Resolution Z-03-032, and request five new deviations related to setbacks and requirements of the Corkscrew Road Overlay.

Estero Town Center is a 31.9-acre commercial development that includes Lowe's Home Improvement Center, as well as other retail and service establishments, located at the southeast corner of Corkscrew Road and Three Oaks Parkway.

The Planning, Zoning, and Design Board will make a recommendation, and the Village Council will make a decision on the request.

STAFF RECOMMENDATION

Staff recommends:

- Approval with conditions of the Convenience Food and Beverage Store with Gas on the eastern portion of Parcel B of Estero Town Commons.
- Do not approve the requested Fast-Food Restaurant.
- Approval of Amended Deviation 2.A. and proposed Deviations 3, 4, 5, and 6, Do not approve Deviation 7.

Staff does not support the request to allow both the Convenience Food and Beverage Store with Gas and Fast-Food restaurant on Corkscrew Road within the Estero Town Center CPD.

GENERAL INFORMATION

Applicant

Amstin, LLC
Brightwork Real Estate

Authorized Agent

Dan DeLisi – DeLisi, Inc.

Additional Agents

Maleia Storum - Bowman Consulting Group
Neale Montgomery - Pavese Law Firm
Ted Treesh - TR Transportation

Location

10081 Estero Town Commons Place

STRAP Number

35-46-25-E1-3300B.0010

Size of Property

1.6-acres (Estero Town Center is 31.9-acres total)

Surrounding Zoning/Land Use

North Corkscrew Road then Plaza Del Sol CPD / Transitional Mixed Use

East Estero Town Commons Place then Estero Crossing MPD / Transitional Mixed Use

South Lowes Home Improvement Center CPD / Transitional Mixed Use

West Vacant Commercial Lot in Estero Town Center CPD / Transitional Mixed Use

Zoning

Commercial Planned Development (CPD)
Corkscrew Road Overlay

Comprehensive Plan Land Use Category

Transitional Mixed Use

Project History

Estero Town Center was approved in 2003 by Lee County in Resolution Z-03-032. The approval was for a big box anchor and outparcels with a maximum of 265,000 square feet of gross floor area. The subject site was developed as a Ruby Tuesday restaurant which has since closed.

Public Information Meeting

A Public Information Meeting was held on September 21, 2021. Questions regarding traffic stacking and the reason for the 500-foot separation of gas stations were discussed. A summary of the meeting is attached.

Project Description

The proposed CPD Amendment is for a Wawa Convenience Food and Beverage Store with Gas at the intersection of Corkscrew Road and Estero Town Commons Place, the site of the closed Ruby Tuesday restaurant. The restaurant will be demolished to construct the Wawa.

Estero Town Center is a commercial plaza with two existing access points: one from Three Oaks Parkway, and one newly signalized intersection on Corkscrew Road at Puente Lane/Estero Town Commons Place.

The Master Concept Plan for the CPD designated three development areas: an Anchor Parcel where Lowe's is currently located; Village Area 1, which is located on Three Oaks Parkway and includes the Corkscrew Road intersection; and Village Area 2 at the eastern edge of the project along Corkscrew Road.

STAFF ANALYSIS

IDENTIFIED ISSUES

There are three areas where staff has identified issues:

1. Request - For Fast-Food Restaurant on Corkscrew Road

Condition 14 of the Resolution Z-03-032 specifically allows for **either** a Convenience Food and Beverage Store with Gas **or** a Fast-Food Restaurant on Corkscrew Road, **but not both**. The resolution language below does not allow both uses in the development along Corkscrew Road. The applicant desires both the Wawa and a fast-food restaurant on Corkscrew Road which Staff does not support.

The Schedule of Uses limits Convenience Food and Beverage Store "abutting Corkscrew Road **only if no free-standing fast food use permitted within Village Area abutting Corkscrew Road.**" Specifically, Resolution Z-03-032, Schedule of Uses states "*Restaurant, Fast Food (Subject to Condition 14) and Convenience Food and Beverage Store (limited to one)(maximum of 12 fueling stations; permitted abutting Corkscrew Road only if no (emphasis added) free-standing fast food use permitted within Village area abutting Corkscrew Road.)*"

Condition 14 requires:

- No more than one freestanding fast food restaurant.
- No freestanding fast food restaurants if a convenience food and beverage store has been permitted abutting Corkscrew Road.
- No more than one fast food restaurant in a multi-occupancy building.

The applicant is requesting to amend this condition to allow for both a fast-food restaurant and the Wawa along Corkscrew Road.

Staff does not support this request, particularly given the original approval allowed for either a fast-food restaurant or a Convenience Food and Beverage with Gas, and did not allow both uses on Corkscrew Road. The Estero Comprehensive Plan Transitional Mixed Use category seeks more community oriented uses rather than the automobile-oriented uses that were previously approved along Corkscrew Road.

2. Right-In Only Access

A right-in only access to the site exists off Estero Town Commons Place, an access which served as one of two access points to the Ruby Tuesday restaurant. The applicant proposes to continue use of the right-in only, however the significant increase in traffic for the Wawa is a staff concern. Staff identified a potential issue regarding the stacking distances onto Corkscrew Road at the signalized intersection, which may conflict with the right-in access to the site. The right-in only on Estero Town Commons Place may have been adequate for Ruby Tuesday, however the additional traffic generated by the Wawa may result in a need to relocate the access further south or potentially remove the right-in only access.

Corkscrew Road is a County maintained road. When contacted regarding the proposed CPD amendment, the County stated that they currently had no comments but that further review would occur at the time of Development Order.

A condition of approval is recommended regarding further review of this issue at the time of Development Order.

3. Gas Canopy Deviation

The proposed gas canopy does not meet the requirements of the LDC which:

- Prohibits flat roof canopies.
- Requires at least two slopes on the long sides.
- Requires a roof detail change a minimum of every 50 feet.
- Must be consistent with the architectural design and features of the principal structure, including color.

The applicant has requested a deviation from this standard which staff does not support.

The proposed canopy is an inclined flat structure with visible structural supports underneath, does not have at least two slopes on the long side, and does not have a roof detail change.

The canopy is required to be consistent with the architectural design and features of the principal structure, including color. The roof materials and colors are similar; however, the principal structure has a Mediterranean-style with primarily earth-toned gold colors with copper accents. The gas canopy is 14-foot-tall, extending to 25-feet and is white with the copper accent band. Structural supports are white as well. The appearance of the canopy is more industrial than the primary structure.

GENERAL REVIEW

Pattern Book

The proposed Pattern Book, stamped "Received May 3, 2022", includes a Master Concept Plan, Pedestrian Circulation Plan, Public Amenity Area, Landscape Buffers, Building Elevations, Canopy Elevations, Trash Enclosure details, and Signage.

Architecture

The proposed building front faces east; however, a secondary front is proposed to face Corkscrew Road and will include outdoor seating and signage along the roadway. The architecture is Mediterranean with stucco, a barrel tile roof, cultured stone, and earth-toned colors on the façade. The building has a maximum height of approximately 33-feet. Refinement of the architecture will occur during the review process, particularly at the time of Development Order.

The gas canopy is a standard Wawa design, with a flat roof at an angle. The canopy does not meet the Estero Code, see discussion in Identified Issues section above,

Pedestrian Circulation

The pedestrian circulation through the site includes an existing sidewalk system on two sides of the site – along Corkscrew Road and along the eastern boundary on Estero Town Commons Place. Sidewalks are proposed on the south along Estero Town Commons Place, as well as a short segment on the west which crosses over the parking lot to the Wawa building and through to a public gathering area proposed along Corkscrew Road. This gathering area is in addition to the outdoor seating area which is for Wawa guests only.

Signs

A monument sign is proposed in the northwest area of the site, along Corkscrew Road. The addition of a monument sign to this site requires a change to an existing Administrative Amendment (ADD2006-00163) that limited signs in the project to two project identification signs, one at each entrance. These signs are currently existing. The applicant seek allowance for a Wawa monument sign on Corkscrew Road. Staff does not object to this request.

Buffers

This site requires buffers consistent with the original development approval, LDC use-specific buffers for the Convenience Food and Beverage Store with Gas use, as well as buffers compliant with the Corkscrew Road Overlay. Required buffers:

- North Buffer, along Corkscrew Road – A 30-foot buffer along Corkscrew Road is included in Resolution Z-03-032 due to a deviation being granted for the Corkscrew Road Overlay that allowed parking within 75' of the right-of-way. The deviation then required a 30-foot buffer from Corkscrew Road. The LDC contains additional landscape standards for a gas station, which includes a 25-foot buffer. The applicant seeks to amend the required 30-foot buffer to allow for a 20-foot buffer and seeks a deviation to the required 25-foot buffer along Corkscrew Road. The applicant proposes to meet the planting requirements within the reduced buffer width.
- South and East Buffers along Estero Town Commons Place – A 20-foot buffer is required along right-of-way and the project meets this requirement.
- West, adjacent to vacant CPD parcel - A 5-foot Type "A" Buffer along the western is proposed in compliance with the LDC.

Flood Issues

The site falls within a Special Flood hazard Area. Zone AH is the flood insurance rate zone that corresponds to the areas of 1 percent annual chance of shallow flooding with a constant water-surface elevation (usually areas of ponding) where average depths are between 1 and 3 feet. The existing South Florida Water Management District Environmental Resources Permit (36-04799-P) for Estero Town Commons requires that all building finished floors with the subdivision be set at a minimum of 17.5 feet NGVD (15.3 feet NAVD).

Stormwater Management

There is an existing master stormwater management pipe network for the development. Further review of specific requirements will occur at Development Order.

Transportation

A Traffic Impact Statement was prepared for the applicant by TR Transportation Consultants, Inc. The TIS is based upon a 5,537 square foot convenience store and 12 fueling stations. Trip Generation is stated as 4,149 daily 2-way trips; however, some trips will be 'pass-by' traffic from vehicles already traveling along Corkscrew Road. The TIS then adjusts the trip numbers to account for the pass-by trips resulting in 1,037 Daily (2-way) net new trips for the project. The TIS concludes that the existing roadway network is sufficient and that "...no roadway capacity improvements will be required as a result of this analysis." Further, no turn lanes are warranted at the connections to Estero Town Commons Place. Lee County maintains Corkscrew Road and had no comments at this time, but states that further review would occur at development order.

A signalized intersection was recently constructed on Corkscrew Road at the Puente Lane / Estero Town Common Place. A condition of approval regarding the owner responsibility for paying a proportionate share of the cost of the signalization should be included as a condition of approval.

An existing right-in only was allowed for the prior use on the site, however increased traffic generation may result in changes. See Identified Issues section of this report, above for a full discussion of this issue.

A second full movement entrance to the site is located at the southwest corner of the site. Site circulation will be further reviewed at Development Order.

Utilities

All utilities are available to this previously occupied site.

Fire

An Auto Turn Path Analysis was required by Estero Fire Rescue to determine if the access points would provide adequate emergency vehicles access. This was provided by the applicant and no further comments were received from Estero Fire Rescue.

Corkscrew Road Overlay

This site is located within the Corkscrew Road Overlay and subject to the standards in this district. The overlay intends to create "...a corridor of architecturally appealing and attractively landscaped retail, office, residential and institutional developments that cater to the needs of the community." The overlay district seeks to create street front activity as well as buildings that front directly onto the adjacent sidewalks, creating definition and character within the corridor. Developments are encouraged to provide minimal setbacks to create a continuous street wall of building frontage. Parking lot setbacks for interior lots are required to be a minimum of 75-feet from Corkscrew Road in support of the intent to create a village atmosphere along this corridor.

The applicant has requested several deviations to these standards, including parking lot setbacks, building setbacks, and corner lot building requirements.

COMPREHENSIVE PLAN ANALYSIS

The project is in the Transitional Mixed Use Future Land Use Category. The category is described below:

FLU 1.2.8 Transitional Mixed Use

Transitional Mixed Use. The Transitional Mixed Use category is 'characterized by primarily existing or emerging developments where the Village's largest and most intense commercial and multifamily residential developments are or will be concentrated, including some areas that currently have some degree of mixed use. Urban services are readily expandable to support moderately intense levels of mixed commercial and residential development. These areas were typically designated Urban Community, General Interchange, or Suburban and within the Mixed Use Overlay per the Village's Transitional Comprehensive Plan.'

Transitional Mixed Use areas are located in close proximity to: public transit routes; education facilities; recreation opportunities; and existing residential, shopping, and employment centers and are generally accessible to the surrounding neighborhoods, serving as focal point or community centers where activity is concentrated.

Staff Comment: A broad mix of uses is allowed within the Transitional Mixed Use Future Land Use area, subject to compatibility standards, including regional, community, and neighborhood scale commercial to foster the live/work/play mixed use lifestyle sought in this category.

The proposed auto-oriented use of a Convenience Food and Beverage Store with Gas is a use that is currently allowed in the CPD. However, the additional request to allow an additional fast food restaurant is not supported by the Transitional Mixed Use land use category.

FLU 1.1.1 *Support the unique character and quality of life within the Estero community by managing growth and development and by maintaining and executing comprehensive plan policies, Land Development Code (LDC), and other planning tools.*

Staff Comment: The Corkscrew Road area is the very visible center of the Village, and therefore the character and quality of this corridor is critical to maintain a sense of place in the community. The proposed Fast-Food Restaurant, in addition to the Wawa creates a very suburban development pattern found in many suburban areas of the country. The Village of Estero changed the land use category to Transitional Mixed Use to foster more complementary and less auto-centric uses.

FLU 1.10.3 *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. Connections to existing residential neighborhoods will be encouraged and will not be precluded by the commercial development's design.*

Staff Comment: The development has provided interconnections to the exterior of the development through a sidewalk connecting to Corkscrew Road and located a public gathering area along Corkscrew Road.

PROPOSED DEVIATIONS

Resolution Z-03-032 approved 2 deviations, Deviation 1, and Deviations 2A and 2B. The application seeks to amend deviation 2A and add deviations 3-7.

Existing Deviations (underline is additional proposed language)

1. No changes proposed.

2.A. (Amendment to an existing deviation – underlined red wording is proposed to be added) Seeks relief from LDC §34-2192(b)(5) and LDC §34-1047 (now Section 3-803 of the Estero LDC for the Corkscrew Road Overlay) requirement that all parking lots, access streets, and drives be setback a minimum of 75 feet from the Corkscrew Road right-of-way, to allow parking to be located no closer than 30 feet from the right-of-way in the specified locations and in accordance with the proposed Design guidelines (Attached as Exhibit D) and 20 feet for the parcel on the southwest corner of Corkscrew Road and Estero Town Commons Place is approved, subject to the following conditions that:

- a) The deviation allows no more than 300 feet of the Corkscrew Road frontage (with no more than 200 feet in any single location) for the proposed parking use; and
- b) The area subject to this deviation is buffered in accordance with the Estero Town Center Design Guidelines attached as Exhibit D.
- c) The landscape buffer for the parcel on the southwest corner of Corkscrew Road and Estero Town Commons Place must be buffered in accordance with the Pattern Book Addendum and consistent with Deviation #6 below.

Staff Comment: This deviation seeks to reduce the required buffer along Corkscrew Road from a 30-foot buffer to a 20-foot wide buffer.

A variety of regulations apply to the required buffers in this development including a 30-foot buffer requirement in Resolution Z-03-032, the LDC Type “D” 25-foot buffer requirement, and a use specific buffer requirement for a 25-foot buffer with a horizontal undulating berm. The applicant has stated that the required landscaping - such as the berm, the number, height and caliper of the trees and bushes will be met, therefore the 20’ wide buffer is sufficient for this development.

Staff recommends approval of this deviation.

2.B. No changes proposed.

Proposed New Deviations

3. Seeks relief from LDC Sections 4-215.C and 5-707.D.1.d which require that the minimum distance between convenience stores with gas and super convenience stores with gas measured from the nearest points on any lot or parcel of land to be occupied by the use and any lots of existing or an approved convenience store with gas use shall be 500 feet, unless otherwise approved through deviation; to instead allow for a separation of 150 feet for the northeast parcel in Village Area #2.

Applicant Justification: The proposed Wawa will be located on the south side of Corkscrew Road, drawing from a different market than the gas stations located on the north side of Corkscrew Road (Marathon Gas is directly across Corkscrew Road and a 7-11 is at the northern Corkscrew Road and Three Oaks Parkway intersection). The Wawa will serve the eastbound trips on Corkscrew Road that is not currently being provided.

Staff Comment: Staff agrees that there are few gas stations on the south side of Corkscrew Road. The only one located west of I-75 on the south side of Corkscrew Road is at US 41 and Corkscrew Road. The Stock Development adjacent to this site was not allowed to have a gas station due to the proximity to residential uses. This site is within an existing commercial development with no adjacent residential use and is therefore an appropriate location for the use.

Staff recommends approval of this deviation.

4. Relief from LDC Section 3-803.D which requires that buildings located on street corners have a maximum setback of 25-feet from each adjacent street, to instead allow for a maximum setback of 40-feet to Corkscrew Road only.

Applicant Justification: The intent of this code, as written in 2002 and adopted in 2005, was to create an urban context at the entry way point along the public corridors intersecting Corkscrew Road. At the time, this included Sandy Lane, Three Oaks Parkway, and River Ranch Road. The intent was not to apply to privately maintained commercial drives to access shopping centers. The parcel at the corner of Estero Town Commons Place and Corkscrew Road was not envisioned as the "corner parcel" during the drafting of this code. The corner parcel for this property was envisioned at Corkscrew Road and Three Oaks.

Staff Comment: The site is located at the intersection of Estero Town Commons Place and Corkscrew Road and therefore is considered a corner lot under the current Code adopted in 2021. The applicant requests this deviation from requirements of a corner lot as they seek to construct the new convenience store in the prior building location, which will be demolished. The site could be rearranged to place the building at the intersection, meeting the requirements of the Corkscrew Road Overlay, rather than at the opposite end of the site along Corkscrew Road. However, this site is at the signalized intersection of Corkscrew Road and Estero Town Commons Place and therefore the deviation, if granted, would allow for better site circulation based upon the existing right-in only to the site.

Staff recommends approval of this deviation.

5. Seeks relief from LDC Section 3-803.E Note 1C. which requires that 40% of the building frontage is required at the setback to instead allow for a reduction to 15%.

Applicant Justification: The applicant states that the orientation of the building provides safe and efficient vehicular circulation into, out of, and through the property while also providing pedestrian circulation and a Public Gathering Space

Staff Comment: The building could be re-oriented so that the long end is along Corkscrew Road thus complying with his requirement. However, the proposed orientation would allow for adequate site circulation based upon the existing right-in only to the site.

Staff recommends approval of this deviation.

6. Seeks relief from LDC Sections 5-412.C.3 which requires landscape buffers adjacent to external rights of way to be a minimum of 25 feet in width to instead allow for a buffer width a minimum of 20 feet with the same required plantings and design.

Applicant Justification: The proposed site redevelopment is located on a property on the corner of Corkscrew Road and Estero Town Commons Place. On the north side of the subject property there is a tract of land between the applicant's property and the Corkscrew Road right-of-way that is platted and owned by the POA for the development. The buffer proposed is in compliance with the requirements of Pattern Book approved by Resolution Z-03-032.

Staff Comment: The buffer along Corkscrew Road is required to be 30-foot in width by Resolution Z-03-032, due to a deviation being granted to allow for parking within 75' of

Corkscrew Road right-of-way. As stated earlier, the 20-foot buffer along Corkscrew Road will include all the required berm and all landscaping, and therefore should be sufficient to screen the site from Corkscrew Road.

Staff recommends approval of this deviation.

7. Seeks relief from LDC Section 4-215.B and 5-707.D.6.a which prohibits flat canopy roofs and requires roofs to have at least two slopes on the long sides and a roof detail change a minimum of every 50 feet, to instead allow for a sloped roof with an angled return at the low end and with the detailing as shown in the Pattern Book.

Applicant Justification: The applicant explains that the roof is not flat, but instead is a downward sloped roof with a single slope. They explain that the roof meets the intent of the LDC which is to prohibit old style flat roofs, preferring an architectural style with more detail and interest. The purpose of the deviation is to allow for flexibility in the design of the canopy.

Staff Comment: The canopy is a standard Wawa design. The roof is a flat structure, even though it is at an angle. The flat roof canopy is prohibited by the LDC, and the canopy is not consistent with the architecture and colors of the principal structure.

Staff recommends denial of this deviation.

CONCLUSION

Section 2-501.C.2 of the LDC provides review standards for rezonings which include:

1. Is consistent with and furthers the goals, objective, and policies of the Comprehensive Plan and all other Village adopted plans.

Staff Comment: The proposed zoning amendment to allow for a Convenience Food and Beverage Store with Gas (maximum of 12 pumps) is currently an allowed use in the CPD, a use that was limited to a certain area within the project. The change in location within the project does not affect compliance with Comprehensive Plan policies or the Future Land Use designation.

The request to allow Fast-Food Restaurant in addition to the Convenience Store with Gas is not consistent with the Comprehensive Plan Transitional Mixed Use designation.

2. Is not in conflict with any portion of the LDC.

Staff Comment: The proposed rezoning to allow a Wawa is not in conflict with the LDC in general but does request deviations from required standards.

3. Addresses a demonstrated community need.

Staff Comment: The applicant has stated that east bound travelers on Corkscrew Road have limited options obtaining gas without crossing Corkscrew Road traffic. Staff agrees.

4. Is compatible with existing and proposed uses surrounding the subject land and is the appropriate zoning district for the land.

Staff Comment: The existing CPD zoning allows for Convenience Food and Beverage Store with Gas, just not in the proposed location. Near-by uses include commercial and service-oriented uses, including convenience stores with gas.

5. Would result in a logical and orderly development pattern.

Staff Comment: The Corkscrew Road corridor consists of a wide range of commercial uses for this area and the Convenience Food and Beverage Store with Gas will infill a small lot with an existing commercial use.

6. Would not adversely affect the property values in the area.

Staff Comment: The area currently consists of a variety of commercial uses and therefore the proposal for Convenience Food and Beverage Store with Gas would not adversely affect property values in the area.

7. Would result in development that is adequately served by public facilities (road, potable water, wastewater, solid, waster, storm water, schools, parks, police, and fire and emergency medical facilities.

Staff Comment: Adequate public facilities are available to serve the site.

8. Would not result in significantly adverse impacts on the natural environment – including, but not limited to water air, noise, storm water management, wildlife, vegetation, wetlands, environmentally critical area, and the natural functioning of the environment.

Staff Comment: The proposed zoning amendment is for a property that is currently developed and therefore will not result in adverse impacts to the natural environment.

9. Is compatible with existing or planned uses in the surrounding area.

Staff Comment: The proposed Convenience Food and Beverage Store with Gas is compatible with the surrounding area, which is primarily commercial in nature.

COUNCIL DETERMINATION

In order to approve the rezoning, the Council must consider the review standards detailed above.

ATTACHMENTS:

- A. Maps – Vicinity Map, Zoning Map, and Future Land Use Map
- B. Master Concept Plan
- C. Zoning Conditions
- D. Pattern Book
- E. Applicant Information
 - 1) Proposed changes to Z-03-032 and ADD2006-00163
 - 2) Public Information Meeting
 - 3) Applicant Request Statement
 - 4) Traffic Impact Statement, excluding tables