



**Coconut Road EPD Rezoning
Zoning Staff Report**

for

Village Council

First and Second Readings

PROJECT NAME:	Coconut Road EPD	
CASE TYPE:	Planned Development Rezoning	
CASE NUMBERS:	DCI2022-E005	
VILLAGE COUNCIL	June 21, 2023	First Reading
	July 5, 2023	Second Reading

SUMMARY OF REQUEST

The applicant is requesting a rezoning, with deviations, from Mixed Use Planned Development to Estero Planned Development (EPD) for a 45.6-acre parcel on the northwest corner of US-41 and Coconut Road.

The proposal is for a Tier 3 development that would allow a mixed-use project consisting of:

- 596 dwelling units (538 multi-family apartment and 58 townhome units)
- 42,000 square feet of general and medical office use
- 82,000 square feet of retail and dining uses
- Hotel with 260 rooms
- 3,000 square feet of civic use
- Public park areas

STAFF RECOMMENDATION

Staff recommends approval of the request with the conditions in the Ordinance. The Planning Zoning and Design Board reviewed this case at its meeting on June 13, 2023 and recommended approval with additional conditions (4/0 vote).

GENERAL INFORMATION

Applicant

Coconut Road Apartments, LLC – Ross Abramson

Owners

Coconut Road Estero Apartments
7474 Creedmoor Rd #306
Raleigh, NC 27613

Authorized Agent

Alexis Crespo, AICP
RVi Planning and Landscape Architecture
28100 Bonita Grande Dr, Suite 305
Bonita Springs, FL 34135

Location

4.5 acres at the northwest corner of US-41 and Coconut Road. STRAP Nos: 09-47-25-E2-U1902.2012, 09-47-25-E2-U1900.2033, 09-47-25-E2-U1908.2037, 09-47-25-E2-U1908.2404; 09-47-25-E1-U1874.2023 and 09-47-25-E1-U1877.2039,

Surrounding Zoning and Land Use

North Marsh Landing residential development zoned RPD

East US-41, then Coconut Point Mall (zoned MPD)

South Coconut Road, then Pelican Landing, zoned RPD/CPD

West FPL easement, then Coconut Shores zoned RPD

Zoning

Mixed Use Planned Development (MPD). The property was rezoned from Residential Planned Development, Commercial Planned Development and Agriculture, to Mixed Use Planned Development by Lee County in 1998 through Zoning Resolution Z-98-075. Minor administrative amendments were subsequently approved by Lee County.

Comprehensive Plan Land Use Category

Village Center

Public Information Meeting

A Public Information Meeting was held at the Planning Zoning and Design Board on February 21, 2023.

The applicant recently held neighborhood meetings with Marsh Landing, Pelican Landing and Coconut Shores.

STAFF ANALYSIS

Project History

This property was rezoned for a “Mixed Use” Planned Development by Lee County in 1998. The master Concept Plan at the time was unimaginative, with strip commercial uses along the frontage

of US-41 and Coconut Road, and light industrial uses on the western half of the site. A development order (site plan) was approved years later but nothing was ever built and that development order has expired. The property is currently mostly cleared and vacant except for a preserve area on the north and west edges of the site. A road was installed years ago but never completed nor accepted by Lee County.

The property went into foreclosure at one point in time. The property was later purchased by Lee Health, who explored development opportunities. Lee Health hired a well-known new urbanist planning consultant, Dover Kohl, to prepare plans for the site. Numerous focus groups and community meetings were held over a period of time to develop these plans. Subsequently, Lee Health decided to sell the property.

The site was purchased by Woodfield Development, who agreed to use the work done on the Dover Kohl plans with some modifications for their proposed mixed use development.

The site, which is mostly cleared and vacant, has most recently been used through interlocal agreement with Lee County for a temporary disposal site for Hurricane Ian debris.

Request

The applicant is proposing a rezoning to Estero Planned Development (EPD). This is the specific zoning district that is required in the Village Center Land Use category.

The applicant is requesting Village Center Tier 3 Development which allows for mixed use and:

- A base residential density of 10-15 units per acre with a maximum of 20 units per acre based upon accepted incentive offers;
- Higher non-residential intensity; and
- Maximum building heights between 60 and 70 feet.

This project proposes 596 units which is a residential density of approximately 13 dwelling units per acre (based on 45.6-acre total project site), 82,000 square feet of retail and dining use, hotel with 260 rooms, 3,000 square feet of civic uses, and 42,000 square feet of general and medical office use. Maximum height proposed is 70 feet, excluding architectural features.

The Village Center standards include goals such as creating socially vital centers; safe streets for walking and bicycling; fostering interconnection and walkability; and human scale. These standards, along with Comprehensive Plan policies and Land Development Code standards, are the basis of analysis of the proposal.

MASTER CONCEPT PLAN

The applicant has provided a Master Concept Plan that shows:

- 10 Development Tracts (called Blocks)
- Two lakes, neighborhood park and central green
- 4 parking garages
- A pedestrian paseo linking Crescent Lake with the Central Green
- Hotel
- Vertical mixed use (multi family and commercial)

- An area of existing indigenous native vegetation and proposed lake along the north and west property boundaries to serve as a buffer to the adjacent residential developments

PATTERN BOOK

The applicant has requested a “Tier 3” development.

A Tier 3 development is required to provide a detailed Pattern Book with illustrative site plan and facade detailing. The applicant’s Pattern Book is extensive and is somewhat similar to a Regulating Plan prepared for form-based codes. The Pattern Book contains information on:

- Landscaping
- Open space
- Connectivity
- Architecture
- Parking
- Street network and cross-sections
- Height
- Development phasing program

ARCHITECTURE

The architectural style is described by the applicant as “Spanish Colonial Revival”, similar to the style in Palm Beach, Florida and Santa Barbara, California. The Land Development code describes Spanish Revival and Spanish Colonial as two separate styles, not a combined style. However, the Pattern Book does indicate that other styles may be used to create a variety in neighborhoods.

The palette consists of warm, natural tones, with hints of limestone to create a timeless aesthetic.

The Pattern Book does not contain any information on signage. Staff suggests a condition that a signage plan be submitted with the first development order.

BUILDING HEIGHT

According to the applicant’s Pattern Book, building height for the western half of the project is 34-45 feet (3-4 stories) maximum, with an additional 15 feet for architectural features. The uses in this area are primarily multiple family residential: on the eastern half of the site, building heights range from 35 to 45 feet along US-41 to 45-60 feet in the center of the project (which include office and commercial), and with the maximum 70 feet for a hotel. An additional 15 feet is requested for architectural features such as towers.

Staff requested clarification of the number of stories, and the applicant submitted a Master Concept Plan with the number for stories for each tract. The western portion of the property is limited to 3 stories, with 3 stories adjacent to US-41, and with 4 to 6 stories internal to the site.

The line of sight diagram provided in the Pattern Book shows a distance of more than 200 feet from the closest building in Marsh Landing to the project buildings, and a larger distance from Coconut Shores.

SCHEDULE OF USES

The proposed Schedule of Uses includes a variety of residential, commercial and civic uses, and a summary is provided below:

- Residential uses include Live-Work, Multi-Family, and Townhomes.
- Commercial Uses include a variety of Retail, General and Medical Office, Restaurant, and Personal Service uses.

PROJECT PHASING

The applicant has included a Conceptual Phasing description in the Pattern Book with 4 phases. The applicant has verbally indicated that the project may be developed in one phase. A project of this intensity may require more than one phase.

The Phasing Schedule has been provided to ensure that the project does develop as a Tier 3 mixed use development with residential, commercial and park uses being developed concurrently.

The applicant's Phasing Schedule shows a general mix of uses. The civic use is shown in Phase 3, because construction is planned to occur later in that area. Staff has proposed a project phasing condition in the Ordinance. The applicant has verbally indicated that the first phase may consist of "infrastructure" which means roads, utilities, and lakes, before any vertical construction. The phasing condition is being revised and will be included in the Ordinance.

TRANSPORTATION

This project is located at a major intersection in the Village; US-41 and Coconut Road. Coconut Road is a collector road maintained by the Village of Estero. US-41 is an arterial road maintained by FDOT. The applicant submitted a detailed traffic analysis of the proposed project (64 pages and technical appendix). The analysis looked at roadway segments and intersections, and also evaluated traffic impacts with and without the project, including background traffic and pending projects along Coconut Road.

The analysis indicates that the project will generate between 10,400 to 11,800 daily trips per day when built out, depending on the traffic model used and accounting for pass-by trips and internal capture. The site is vacant now so any additional development will increase traffic, but it should be noted that Lee County approved mixed use zoning on the property which the applicant has stated could generate a greater amount of vehicle trips on the roadways.

The traffic analysis identifies problem areas in the "near-term" (including approved projects in the study area that are expected to be occupied within the next 5 to 10 years) on several road segments:

- Coconut Road from Walden Center Drive to US-41 – LOS F with and without project (EB/NB)
- US-41 from Estero Parkway (Pelican Colony Blvd) south of Coconut Road. All segments LOS F with and without project (EB/NB)

The intersection of Coconut Road and US-41 is expected to degrade to LOS E from approved and pending projects in the area.

No widening of US-41 or capital improvements beyond six lanes are planned through 2045 by FDOT, Lee County or the MPO. Possible improvements to I-75 as part of the I-75 Southwest Connect Project could help alleviate traffic impacts on US-41. The Village is planning a

roundabout on Coconut Road at Coconut Shores, but no other improvements are planned at this time.

Based on the results of the applicant's analysis, they recommend:

- US-41 and Village Shops Way (signal timing modification)
- Coconut Road and Walden Center Drive (install traffic signal)
- Coconut Road and US-41 (signal timing modifications – needed for existing conditions)

Staff did not agree with the applicant's traffic distribution which indicates that the vast majority of the US-41 northbound traffic from the project will go through internal roads with multiple stop signs through Lyden Drive to the Vandenburg Way traffic light at US-41, in lieu of a more direct route to Coconut Road and a left turn northbound onto US-41. Consequently, staff recommends that the applicant add a left turn lane on eastbound Coconut Road to northbound US-41, and an additional left turn lane on US-41 westbound to Coconut Road when needed.

The applicant will pay impact fees in effect at the time building permits are issued. The applicant will also be responsible for installation of a traffic light at the development's entrance on Coconut Road.

The applicant has met with FDOT throughout this process and the staff has also met with FDOT. No written comments have been received from FDOT. It is more likely that comments may be received when the development order is submitted for review, as more specifics will be available at that time.

It should be noted that there are policies in the Comprehensive Plan encouraging connections to adjacent properties. The applicant originally proposed a pedestrian connection to the FPL powerline path to the west. This path is currently only utilized for FPL to access their powerlines. It is not used by pedestrians. The proposed connections were removed until/unless the FPL powerline path is converted to a pedestrian path. A condition is proposed to provide a pedestrian connection to the FPL easement if it becomes a multi-use path.

There will be a sidewalk along Coconut Road that will be widened into a multi-use pathway.

Vehicular and Pedestrian Connections/interconnections

Two new access points are proposed on US-41 to the site, as well as a new access point on Coconut Road. The new access points on US-41 are subject to approval by FDOT. There is an existing access point on Coconut Road that will need to be signalized. There is also a connection from the traffic light at Coconut Point to the Lyden Drive reverse access road. Connections must be provided consistent with the Framework Plan in the Land Development Code.

Parking

The majority of parking will be provided in four parking garages. The garages for the most part will be encircled by the multifamily buildings and not visible from US-41 or Coconut Road. Additionally, there will be some surface parking lots in the center of the blocks, and on-street parking. Parking is proposed to be provided in proximity to the various uses. More specifics will be provided at time of development order. The applicant has not determined at this time if parking will be assigned for residential units or if the parking garages will charge fees or be open to the public for nonresidential uses.

A LeeTran bus stop and shelter is recommended for the project along US-41 and a condition is included in the rezoning ordinance.

A parking deviation has been requested to reduce the total required parking from 2,107 to 1,872 spaces. This will be discussed in the Deviations section of the staff report.

PERIMETER BUFFERS AND LANDSCAPING

The project plan shows an indigenous vegetation area to be preserved on the northern and western edges of the site. This area was identified as preserve on the previous Zoning Master Concept Plan approved by Lee County, and it has not been cleared. This area is over 7 acres in size. Landscaping is proposed to be supplemented to create a Type "F" 50-foot buffer along these boundaries.

Coconut Road will have a Type "D" 20' wide landscape buffer with 14-18-foot tall trees at installation.

US-41 will have a Type "D" enhanced buffer that will be 32-45 feet wide, with 14-17-foot tall trees at installation.

Internal areas will be landscaped, and streetscape will be provided. Details of plantings will be established at time of development order.

Approximately half of the site is open space, with the largest area being the indigenous preserve on the north and west sides of the project.

OTHER ISSUES

Environmental

The project area includes an indigenous preserve on the west and northern parts of the property (approximately 7 acres). The remainder of the property has been cleared. The site contains a 0.6-acre wetland that was previously permitted to be impacted per the South Florida Water Management District Permit 36-03587-P.

Flood Issues

The majority of the site is located in the X Zone which is outside the Special Flood Hazard Area as shown on the Flood Insurance Rate Maps. A small segment of the northern portion of the property falls within the AE Zone (approximate elevation 13.9 feet NAVD).

This development will need to provide mitigation for hurricane sheltering due to its location in the hurricane storm surge area. This will be determined at development order.

Stormwater Management

The project engineer has submitted a drainage statement that indicates that the site is within the Estero Bay Watershed.

Runoff will be collected in the Surface Water Management System via storm inlets and pipes and will be conveyed to onsite wet retention ponds and existing dry detention areas for the northern and western portions of the property.

The site will discharge via a proposed outfall to the existing ditch within the FPL easement west of this site to an existing roadway swale along Coconut Road and ultimately outflow to Halfway Creek.

Utilities

This project is in the franchise area of Bonita Springs Utilities for wastewater service. A condition requiring connection is included in the Ordinance. No comments from BSU have been received at this time. Underground electric utilities are required in the Village Center, and a condition to this effect is included in the Ordinance.

Fire

Estero Fire has reviewed the proposal and requested an auto-turn for the entrance and exits of the property, as well as the proposed road surface to ensure that a large fire apparatus can maneuver the roadways. The Applicant has provided this documentation and confirmed that the surface will take the weight of a large fire truck.

Estero Fire also requested an assessment model to determine necessity of radio enhancement regarding adequacy of signal strength. Staff recommends a condition to ensure that this requirement is part of the review at development order.

ESTERO PLANNED DEVELOPMENT ANALYSIS

The Land Development Code contains criteria for Estero Planned Developments, dependent upon the specific Tier.

Section 3-707

The goals of the Village Center area include creating an active and social neighborhood environment with mixed uses and a focus on walking and biking, both within and to the development.

Development Tier, Density, And Height

The project is proposed as a Tier 3 development which allows for higher residential and commercial density mixed-use neighborhoods consistent with the goals for a "Village Center". The base density allows 10-15 units per acre, with 15.1 - 20 if incentive offers are accepted. The proposed development is requesting a density of 13 units per acre. (Mixed use can calculate density on the entire 46 acres.) The request for additional density above 15 requires a determination by the Council regarding the incentive offers and public benefits commensurate with the additional density. The applicant is not requesting additional density above 13 units per acre. The proposed density is in the mid-range of the standard base density.

The applicant outlines the proposed incentive offers in its Pattern Book. Upon evaluation, staff believes the more significant offers include:

- Vertical mixed-use
- Parking garages to conceal parking
- Ungated development
- Central Green with outdoor stage
- Neighborhood Park
- Civic Building (3,000 s.f.)
- Paseo Plaza area

Non-residential intensity includes 42,000 square feet of office uses, 82,000 square feet of retail and dining uses, some of which is comprised of vertical mixed use along the Paseo/Restaurant Row area, as well as a proposed hotel and small civic building.

The mix of uses is an important aspect of a Tier 3 development and therefore needs to be assured from the outset through the phases of construction. Staff is suggesting a condition in the Ordinance to ensure that the project develops as proposed.

Tiers 2 and 3 anticipate a greater variety of housing types. This development proposes primary multi-family units (538 apartments) with only a small amount of townhome units (58).

Height – The buildings transition in height from 45 feet at the western half of the site to 60 and 70 feet in the center. A Tier 3 development is allowed a base building height of up to 60 feet and increases up to 70 feet based upon incentive offers. The applicant has requested that architectural features include an additional 15 feet above the maximums requested.

Transportation Framework Plan

The Code includes a “Framework Plan” which provides for a street network connecting properties in the Village Center. The purpose is to ensure a basic street network. The applicant’s Master Concept Plan conforms to this requirement.

COMPREHENSIVE PLAN ANALYSIS

The project is located in the Village Center, an area that the Comprehensive Plan describes as the heart of the Village of Estero. This area has specific goals to create socially vital centers which could support relatively intense commercial and residential development. The walkable, mixed use areas have anticipated uses that include housing, employment, hospital, shopping, office, hotel, recreation, park and civic uses.

Comprehensive Plan Policies

FLU-1.1.1 This policy in summary supports high quality development standards for architecture, landscape and other elements, pedestrian circulation, and community amenities including public spaces and parks; and encourages higher density, compact mixed-use development in designated locations;

Staff Comment: This project is a higher density development (13 du/ac) that proposes compliance with the high quality and visual appearance desired by the Village. The mix of uses includes non-residential commercial and park use, but the development is primarily a residential development. There are elements of vertical mixed use to support the Tier 3 designation.

FLU 1.2.10 Village Center

Village Center is that area in the heart of the Village that is intended to include a hub of activity and commercial/residential mixed uses that create a social center that is walkable, safe, and attractive, and located proximate to existing residential neighborhoods, state parks and the Estero River, and major transportation corridors.

Staff Comment: The policy defines the future development of the center of the Village, and the project is in compliance with many of the goals of this policy. The proposed Tier 3 development includes:

- Interconnected neighborhoods and mixed-use of low to midrise residential and commercial buildings in an urban form.
- The provision of public benefits, including a Central Green, neighborhood park, parking garages, paseo corridor and civic building.

FLU-1.9.1 Mixed Use Development Form. The Village encourages mixing of complementary residential and nonresidential uses on a single site to reduce vehicle miles travelled, support pedestrian, bicycle and transit opportunities and activate street and public spaces with pedestrians for greater economic, recreational and social opportunities resulting in built environments and landscapes that provide a true sense of place

Staff Comment: The project proposes residential and nonresidential uses, with streets designed for pedestrian use. The Central Green is intended to promote social opportunities for those within the development as well as the general public.

DEVIATIONS

The applicant requested six deviations from the Village’s Land Development Code. Discussion of each request along with the applicant’s explanation and staff recommendations are below.

Deviation 1: Request to deviate from Land Development Code (LDC) 5-408.1.6 which states that hardened shoreline structures may comprise up to 20 percent of an individual lake shoreline, to allow hardened shoreline structures to comprise up to 26 percent.

The applicant is requesting this deviation to provide a seawall or bulkhead for a portion of the westernmost lake, adjacent to the residential amenity building so that the recreation area will provide a closer view of the lake. The development will incorporate a compensatory littoral zone equal to the linear footage of the shoreline structure so that most of the area will remain natural.

Staff recommends approval of the 26 percent subject to providing the compensatory littoral zone.

Deviation 2: Request to deviate from Land Development Code Section 5-204.B.1., minimum number of off-street parking spaces which requires a total of 2,107 parking spaces, to be reduced to 1,872 parking spaces.

The applicant has requested this reduction in parking based on the mixed-use nature of the development. The applicant refers to the Urban Land Institute Shared Parking Study. These types of studies indicate that mixed-use projects by their nature would not require the total number of spaces typical of single uses, because some uses will occur at different times of the day. The applicant’s analysis indicates that peak parking demand with full occupancy of all sites would be 1,628 spaces.

LDC Section 3-707.R.7.B regarding public benefits and Incentive Offers in Tier 3 states:

“Off-street parking. (Medium-High Value). Development plans with deviation requests for reduced on-site parking levels which are accompanied by plans for either centralized off-street parking or structured parking facilities especially in non-residential areas will be viewed as high value offers. Such plans may include requests for deviations to reduce the required number of on-site parking requirements under the Land Development Code.”

As such, staff recommends approval of the parking deviation.

Deviation 3: A request for relief from Land Development Code Section 7-206.G.3.A.1. which requires excavation to occur no less than 50 feet from existing property lines and collector or arterial streets, to allow excavation to occur no less than 25 feet from existing property lines (see LDC 2-506.C.)

The applicant is requesting this deviation for the Lakeside Street, to allow driving, biking and walking along the proposed 10-foot-wide multi-use path adjacent to the street. The multi-use path is 15 feet from the waters edge but the face of the curb is set 35 feet from the waters edge. There will be street trees and a landscape buffer between the roadway and lake to serve as a natural barrier between any wayward cars.

The deviation is also requested along Coconut Road and US-41 by Crescent Lake, the retention lake at the southeast corner of the site.

Staff recommends approval of both requests based on the justification provided and the low speeds in these areas. At time of development order, staff will evaluate if additional protective measures are needed.

Deviation 4: A request to deviate from Land Development Code Section 5-304(1)(A) which requires 125 feet between intersections on local roads to allow a minimum separation of 46' to 109' for 3 intersections within the project.

This deviation is needed to implement a smaller, more walkable scale of development and to create active block frontages. The deviations are shown in the Pattern Book and are:

- 109 feet at Intersection A (west of US-41/Cerise Drive)
- 106 feet at Intersection B (internal to project)
- 46' at Intersection C (US-41 at access point north of Coconut Road)

Staff recommends approval as shown in the Pattern Book.

Deviation 5: A request to deviation from Land Development Code 3-707.H.3.A. which encourages connecting streets to follow the typical sections of Figure 3-707.TZ.3. to allow connecting streets to be provided per the cross-sections in the Pattern Book.

The applicant is proposing 8 different street types with different rights-of-way and street features. Variations of cross-sections are allowed as long as they meet the goals of connectivity and walkability. These cross-sections follow best practices to ensure slow vehicle speeds.

Staff recommends approval.

Deviation 6: The applicant added a deviation at the Planning Zoning and Design Board meeting on June 13, 2023 from LDC Section 4-219 which requires elevators in 3-story and taller multifamily/townhouse buildings, to omit elevators in the townhome buildings only (58 units) as shown on the site plan.

See draft Ordinance for staff recommendation.

FINDINGS OF FACT

Staff has proposed findings of fact below for Council consideration depending on Council's determination:

1. The applicant has (has not) provided sufficient justification for the rezoning by demonstrating compliance with the Comprehensive Plan and the Land Development Code.
2. The request with the proposed conditions will (will not) meet or exceed all performance and locational standards set forth for the potential uses allowed by the request.
3. The request is consistent with the densities, intensities and general uses set forth in the Village of Estero Comprehensive Plan.
4. The proposed uses with the conditions in the Ordinance are (are not) compatible with existing and proposed uses in the surrounding area.
5. Adequate public facilities are (are not) available to serve the proposed use (Transportation).
6. The request will not adversely affect environmentally critical areas and natural resources.
7. The development should not adversely affect property values in the area.
8. The project will (will not) result in an orderly development pattern and address a community need for mixed-use development patterns.
9. The proposal, as conditioned, is (is not) consistent with the general criteria of the Estero Planned Development zoning district as follows:
 - a. Goals. The mixed-use nature of the site will promote social vitality in the area and create a walkable community as well as streets that are safe and attractive for walking or bicycling.
 - b. Reasonable Standards. The applicant has used physical form and the relationship of the building with the landscaping and public space to meet the Village Center goals.
 - c. Accessibility. Public spaces are accessible, physically connected and walkable.
 - d. Streets. A connected and continuous street network has been designed to encourage the mix of uses within the project.
 - e. Street Design. Distances between intersections enhances the walkability and connectivity of streets.
 - f. Lots and Blocks. A network of streets has been provided to create blocks and lots.
 - g. The Visual Edge. A visual edge is created by the project design.
 - h. Architecture. The building design is consistent with the Village architectural standards and will create a distinctive project.

- i. Quality of Buildings. Concrete block construction is proposed.

ATTACHMENTS

- A. Future Land Use Map
- B. Zoning Map
- C. Applicant Information