



MERCHANTS CROSSING CPD

REQUEST NARRATIVE, LEE PLAN AND MIXED USE OVERLAY COMPLIANCE

RB Merchants Resi, LLC ("Applicant") is requesting an administrative amendment to the Merchants Crossing Commercial Planned Development (CPD) to increase the number of multi-family units from 280 to 283 dwellings. The proposed modifications will bring the CPD into greater compliance with the Mixed-Use Overlay and North Fort Myers Community Plan in accordance with LDC Section 33-1354.

Through this amendment, the Applicant is seeking approval of the following modifications to the Planned Development, most recently amended per Administrative Amendment ADD2019-00089:

- *Modify Condition 1 to allow for a maximum of 283 multi-family units as a permitted use within the CPD and provide a proportionate reduction to commercial square footage via a Land Use Equivalency Matrix to ensure no increase to the external impacts of the development; and*
- *Modify Condition 2 to modify schedule of uses to allow for multifamily buildings not to exceed 283 dwelling units.*

BACKGROUND & REQUEST NARRATIVE

The Merchants Crossing CPD ("Property") comprises 101+/-acres and is developed as a multi-tenant retail and entertainment center, including commercial outparcels. The site is located at the highly-travelled North Cleveland Avenue/Pine Island Road arterial intersection in the North Fort Myers Planning Community.

The majority of the CPD is designated within the Central Urban future land use category, while approximately 5 acres at the southwest corner of Tamiami Trail and Pine Island Road is within the Intensive Development future land use category. The entire site is within the Mixed Use Overlay and the North Fort Myers Planning Community.

The CPD allows 575,000 SF of retail/commercial uses with unused commercial square footage within this CPD to be converted to multi-family dwelling units at a Land Use Conversion rate of 147 SF of retail/commercial equals 1 multifamily dwelling unit, with a 280 dwelling unit cap.

The Applicant has permitted the site to allow for the conversion of 152,000 SF of retail space, formerly occupied by Sears and other retailers, to a mixed-use project. The development program, currently under construction, will integrate multi-family buildings, recreational amenities, new pedestrian infrastructure and civic space into the CPD. The total area proposed for the multi-family uses on the Master Concept Plan is approximately 10 acres.

The Applicant is requesting to increase the maximum allowed dwelling units from 280 to 283 multi-family dwelling units which would equate to drawdown of 41,601 of retail/commercial square footage. The Applicant controls approximately 152,000 SF of unused commercial square footage that was removed when the Sears building was demolished, and allows for 1,034 DUs to be built per conversion (subject to Lee Plan compliance). The CPD was approved for a maximum of 280 dwelling units per ADD2019-00089. Therefore, there is sufficient removed commercial to support the additional 3 units being requested.

LEE PLAN CONSISTENCY

The following is an analysis of how the proposed Amendment Complies with Lee Plan Policies:

- **Mixed Use Overlay**

The Lee Plan defines “MIXED USE” as “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 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.”

The ADD will increase the number of multi-family dwelling units within this mixed use project by 3 dwellings. The project remains consistent with the Mixed Use Overlay Goals, Objectives and Policies in the Lee Plan.

- *POLICY 11.1.1: Developments located within the Intensive Development, Central Urban, or Urban Community future land use categories that have existing connectivity or can demonstrate that connectivity may be created to adjacent neighborhoods are strongly encouraged to be developed with two or more of the following uses: residential, commercial (including office), and light industrial (including research and development use).*

The addition of 3 dwelling units does not change that the proposed development integration between the residential uses and the entertainment/commercial district, as well as the transit, civic spaces and outparcels/liner buildings. External connectivity is accommodated via sidewalk connections to existing pedestrian infrastructure off-site, as well as a full vehicular/bicycle/ pedestrian interconnection to the future development area to the north.

- **North Fort Myers Community Plan**

Pursuant to LDC Sec. 33-1534 regarding existing Planned Development zoning districts in the North Fort Myers Planning Community: “Existing approved master concept plans may be voluntarily brought into compliance with the North Fort Myers Plan (Lee Plan Goal 28) or any regulation contained in this article through the administrative amendment process.”

The request is consistent with the stated vision for the North Fort Myers Community Plan, including the desire for mixed-use development patterns along key corridors outlined in the Lee Plan as follows:

POLICY 30.1.3: *Encourage a diversity of housing types in the North Fort Myers Community Plan area by supporting mixed use projects, with residential above or adjacent to retail and service uses, within the Mixed Use Overlay*

POLICY 30.1.4: *Encourage development of affordable housing options on property with the following characteristics:*

- *Located within the Intensive Development, Central Urban, and Urban Community on the Future Land Use Map;*
- *Located where central water/sewer service is available; and*
- *Located within walking distance of mass transit, commercial and personal services, and parks and recreation facilities.*

POLICY 30.2.4: *The following areas are designated as Neighborhood Centers appropriate of moderate intensity, pedestrian-oriented, mixed use development:*

- *Littleton and North Cleveland Avenue;*
- *North Tamiami Trail and Del Prado Boulevard;*
- *North Tamiami Trail and Nalle Grade Road;*
- *Hancock Bridge Parkway and Orange Grove Boulevard;*
- *North Tamiami Trail and Pine Island/Bayshore Roads;*
- *Bayshore Road and Slater Road; and*
- *Bayshore Road and Hart Road*

The addition of 3 dwelling units will further uphold the above North Fort Myres policies encouraging mixed-use developments.

- **Development Pattern Considerations**

The subject property is in the Central Urban Future Land Use as defined in Lee Plan Policy 1.2.2 which is characterized as the “urban core” of the county. Residential, commercial, public, quasi-public, and light industrial uses are all permitted within this Future Land Use. This amendment allows for an additional 3 units that does not exceed the density limitations of this FLU. The proposed development is also consistent Objectives 2.1 and 2.2 relating to development location and timing where public infrastructure and services exist.

- **Urban Services**

The subject property is serviced by the Sheriff and EMS Station that is approximately 2.1 miles south, and fire station 1.7 miles south of the property. The proposed development will have access to the Lee County Utilities for both water and wastewater. The applicant is consistent with Lee Plan Standards 4.1.1 and 4.1.2. Other urban services are available to this proposed development including parks and schools to serve the new residential component at 283 dwelling units.

CONCLUSION

In accordance with LDC §34-174(i), the above request does not propose an increase to height, density, or intensity within the development via the Land Use Equivalency Matrix. Similarly, the amendment will not result in the substantial underutilization of public resources and infrastructure committed to the support of the development, will not reduce total open space, buffering, landscaping and preservation areas, and will not adversely impact surrounding land uses. The amendment is consistent with the directive to administratively bring PDs in the North Fort Myers Community Plan into greater conformance with the Land Development Code, including specific regulations in Chapter 33.

In accordance with LDC §34-174(j), the above request will allow for internal capture of vehicular trips, connections to adjacent uses and urban forms of development and a variety of uses.

In accordance with LDC §33-1532 a public information meeting was held November 28th, 2023 to inform the public about the request. No one from the public attended. Meeting summary, materials and noticing information have been provided as part of the application submittal.

Based upon this application's compliance with all other conditions in Z-18-035, as amended, the Lee Plan, and administrative thresholds set forth in §34-380 and §33-1534, the Applicant respectfully requests staff approval of this request.