

ROYAL PALMS MULTI-FAMILY CPA

CPA2023-00011

LPA Hearing

June 24, 2024

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**Strayhorn,
Persons-Mulicka
& Fisher**
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REQUEST

Flournoy Development Group (“Applicant”) seeks to amend Map 1-A of the LeePlan to change the Future Land Use Category of the 19.33 +/- acre property from **Central Urban** to **Intensive Development**.

The property is located at the eastern end of Old Gladiolus Drive in South Fort Myers and is within the Coastal High Hazard Area, which Prohibit the use of Transferable Development Units (TDUs) and bonus density utilizing cash contributions for affordable housing.

The request will allow density to be increased from 15 dwelling units per acre (du/ac) in Central Urban to 22 du/ac in Intensive Development (14 du/ac as base density and 8 du/ac in bonus density) for a potential total of 426 units, where up to 271 units are derived from base density and 155 from bonus density.

SITE LOCATION



- Southwest corner of US 41 and Old Gladiolus Drive
- ¼ mile south of US41/Six Mile Cypress/Gladiolus
- ¼ mile from entrance to Lakes Regional Park
- Existing access from Old Gladiolus with a proposed second access to US 41 south of the car wash
- The site is 19.33 acres with 1.16 acres of natural waterways in Phillips Creek on the southern portion of the site.
- The site has 18.17 acres of uplands used for density calculations.

PARCEL HISTORY

PAST

The Royal Palms Mobile Home Park has been in operation for decades with 132 lots.

Unfortunately, the park flooded during Hurricane Ian and since that time the Flournoy Group has worked to successfully terminate all property ownership within the park and seeks to allow for an urban infill development that will be built to new FEMA flood standards.

PRESENT

Flournoy purchased the property and began the termination process. The owners were amicable due to significant flood damage of the units and the future insurance issues.

The ownership has been terminated and the units have been removed.

FUTURE

Infill project of high-density apartments with supporting amenities built above Base Flood Elevation in a resilient building to withstand storms.

Companion zoning request to Residential Planned Development (RPD) zoning (DCI2023-00049) to construct 391 units.

LAND USE ANALYSIS

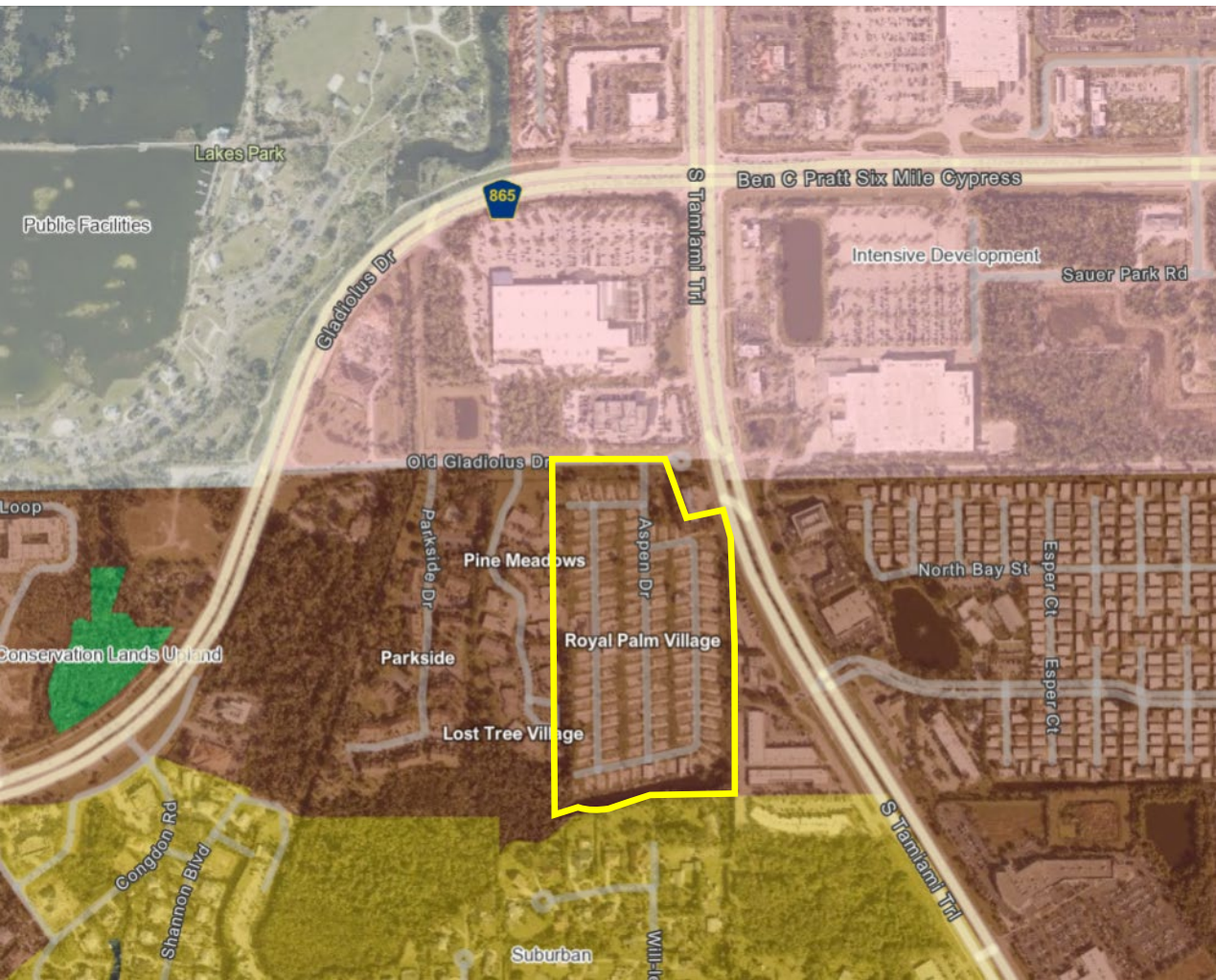
SURROUNDING LAND USES

- The area to the north is in Intensive Development, to the east and west Central Urban, and south in the Suburban future land use category. The zoning is a mix of C-1, CC, RM-2, and AG-2 districts.
- The property to the north, east and west is either multifamily or commercial making this parcel a perfect infill redevelopment in a flood prone area and the CHHA.
- Location is central to a major employment area, abutted by multifamily developments, and acts as an appropriate transition from commercial activity on US 41 to lower densities west and south.
- There are no environmentally sensitive areas on site as the site has been fully developed for years, but the property line extends over a portion of Philips Creek to the south – a shallow waterway that connects to Otsego Bay and is part of the Hendry Creek watershed but is only navigable near the subject property by kayaks and low drag, small boats.
- The properties to the south are single-family homes on larger lots that are on average 170 feet from the southern property line and 350-550 feet from the nearest proposed multifamily building.



FUTURE LAND USE

Current Land Use



Proposed Land Use



FUTURE LAND USE

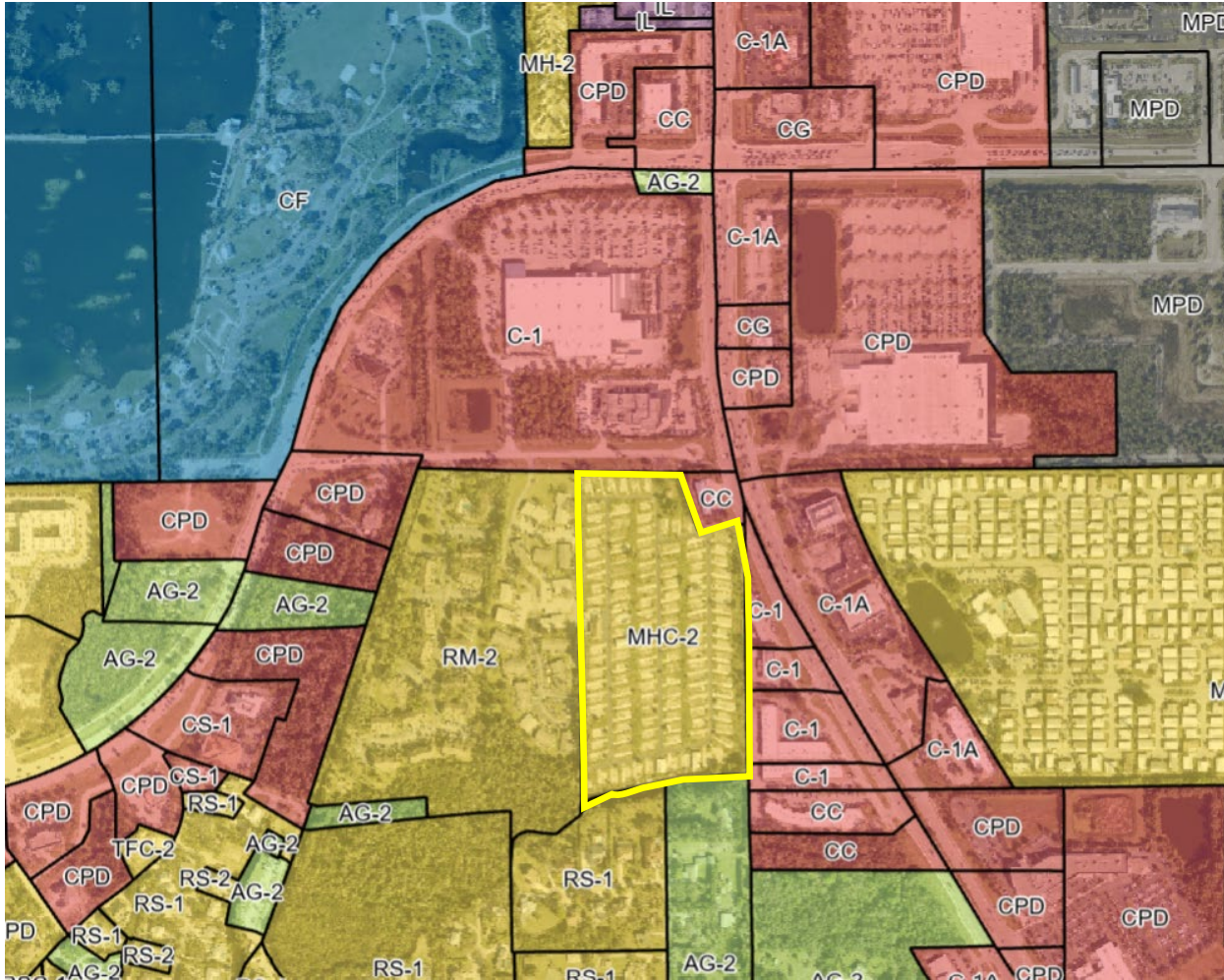
Current Land Use

- Central Urban FLUC allows up to 15 units per acre.
- Bonus density may be considered in the CHHA.
- Current zoning is not compatible with the CHHA.
- Both the Central Urban FLUC and Intensive Development FLUC encourage uses that best serve the local residents and commuter traffic including ***dense multifamily development, particularly where urban services are present, and is near employment centers.***

Proposed Land Use

- The Intensive FLUC allows up to 22 units per acre.
- Bonus density may be considered in the CHHA.
- Rezoning will limit potential with pending RPD.
- The land use change is necessary to permit higher density to allow redevelopment to occur given the high cost of flood resilient construction required.
- Higher density allows for ***options such as site built affordable or the use of gray water legislation*** for proper placement of dense residential development in an urban infill area.
- Higher density is consistent given the characteristics and infrastructure available in this area and is ***consistent with the Lee Plan.***

CURRENT ZONING

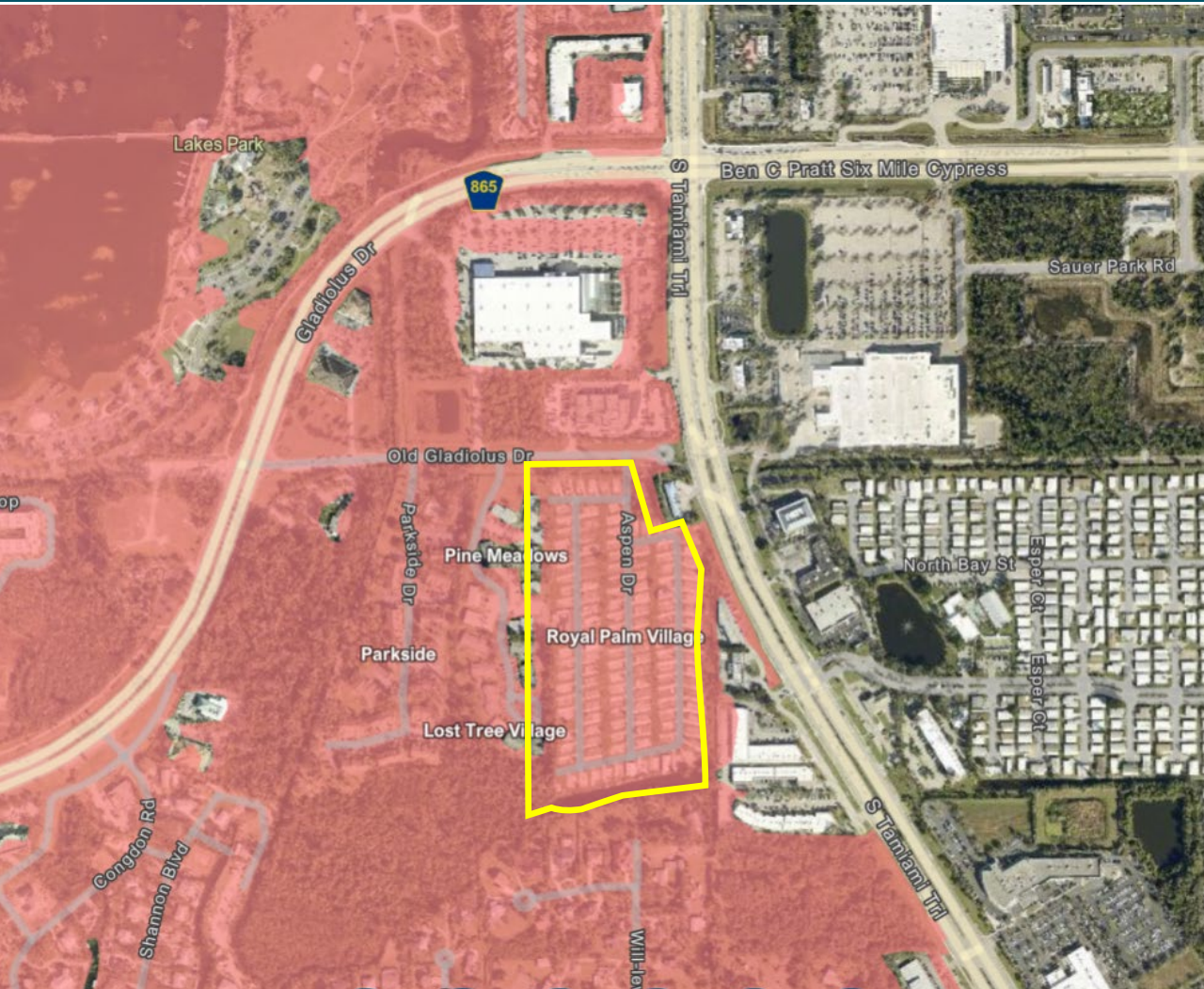


Conventionally Zoned MHC-2

- MHC-2 allows for redevelopment of the site as a mobile home park which is undesirable in the area that has been flood prone during a major storm event.
- The current building and elevation requirements that would be used to the site provide substantially superior resiliency to the effects of tropical storms, hurricanes and flooding compared to older construction.
- The CPA is a companion to a Residential Planned Development (RPD) zoning (DCI2023-00049) to construct 391 apartments.
- The previous use of the property as a mobile-home community typically results in a higher rate of evacuation participation and sheltering needs.

PLANNING ANALYSIS

COASTAL HIGH HAZARD AREA (CHHA)



- The **LeePlan Map 5-A**, updated November of 2021, places the property **in the CHHA** which recognizes the NOAA Defined CHHA.
- Conversely, the **FEMA maps** that have been updated and are effective as of November 17, 2022, places the site **OUTSIDE** the CHHA to reflect more current storm surge affects and needs for impact mitigation.
- The property is situated in a FEMA Mapped Special Flood Hazard Area of AE (EL 11).
- Because this property is in a coastal area near the Gulf of Mexico, **it is in a potential evacuation zone**, which is typical for developments of this type in coastal Florida.
- Per Lee County it is in a designated **Evacuation Zone A**

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COASTAL HIGH HAZARD AREA (CHHA)



- The US 41 (Tamiami Trail North), Daniels Parkway, Ben C/Six Mile Cypress Parkway and Alico Road are State designated hurricane evacuation routes providing immediate and expedited access in the event of an evacuation without increasing out of County drive times.
- Based on the companion Traffic Impact Study, prepared by TR Transportation Consultants, Inc., the *site's potential additional units will not have a significant impact on any of the analyzed roadway segments and adopted roadway capacities for roadways located within a 3-mile radius.* Specifically, on US 41, south of Island Park Rd, the analysis demonstrates that the potential additional density only impacts the segment by less than 0.3% of adopted roadway capacity.
- The developer of the site will be required to maintain an **Emergency Preparedness Plan** outlining the protocol and actions required to provide safety, preparedness, response, recovery, and mitigation before, during and after a tropical storm system and other emergencies. The Emergency Preparedness Plan *will meet the requirements of Lee County AC 7-7 and be reviewed and updated annually.*

J.R. EVANS
ENGINEERING

TRAFFIC IMPACTS AND EVACUATION TIMES

- Traffic Analysis based on increase from 290 DU's to 426 DU's on subject site
- Only generates an additional 51 PM Peak Hour Trips above current maximum permitted density
- Additional Access being permitted onto US 41 will better disperse traffic from site to adjacent roadways (currently all traffic enters/exits Old Gladiolus Drive)
- No Changes needed to Long Range Transportation Plan or Short Term Adopted Capital Improvement Plan to support requested Land Use Change

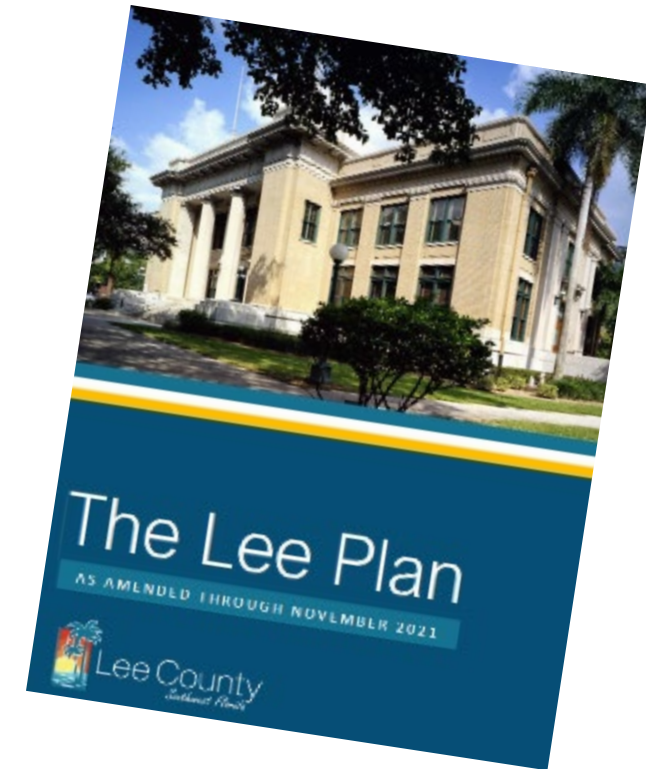
LEE PLAN CONSISTENCY

POLICY 1.1.2: The Intensive Development FLUC

Lands in this category are located **along major arterial roads**. By virtue of their location, the County's current development patterns, and the available and potential levels of public services, areas with this designation are **suited to accommodate high densities and intensities**. Mixed use developments of **high-density residential**, commercial, limited light industrial, and office uses are encouraged.

- **Both the Central Urban FLUC and Intensive Development FLUC** encourage uses that best serve the local residents and commuter traffic including dense multifamily development, particularly where urban services are present, and is near employment centers.
- This site is well located for **urban infill** redevelopment with all urban level services in proximity with available capacities.
- It **replaces a mobile home park that was in a risk area for flooding** from tidally influenced waters abutting to the south.
- **New construction at the proper flood elevations of a hurricane resistant multifamily** structure is an appropriate infill development.

STAFF: The proposed amendment is consistent with Policy 1.1.2.



LEE PLAN CONSISTENCY

Policy 5.1.2 Directs Lee County to prohibit residential development “where physical constraints exist or require the density and design to be adjusted accordingly.”

- To minimize hazards to the proposed development, the design will be required to be adjusted accordingly to be consistent with Policy 2.2, including being constructed to standards of the Florida Building Code and FEMA based on the property’s flood zone.
- Additionally, the companion rezoning provides increased setbacks between Philip’s Creek and the nearest proposed residential buildings beyond what is currently required.

STAFF: The proposed amendment is consistent with Policy 5.1.2.

Policy 5.1.3 Directs high-density residential developments to locations near employment and shopping centers, schools and parks, and mass transit and bicycle facilities.

- Commercial and industrial activity three-quarters of a mile north along Andrea Lane.
- A wide variety of retail uses operate along US-41, and the Market Square and Bell Tower shopping centers are within a mile and a half to two miles of the property.
- Access to Lakes Park, Florida Southwestern State College, South Fort Myers High School, LeeTran Route 240, and is in close proximity to existing routes on the Lee County Walkways and Bikeways Map and Lee County Greenways Master Plan

STAFF: The proposed amendment is consistent with Policy 5.1.3.

LEE PLAN CONSISTENCY

POLICY 101.1.4: Requires comprehensive plan amendments which increase density within the Coastal High Hazard Area or on islands meet one of the following criteria in accordance with § 163.3178(8), Fla. Stat.:

1. Will not result in an out of County hurricane evacuation time that exceeds 16 hours for a Category 5 storm event (Level E storm surge threat); or
2. Will maintain a 12-hour evacuation time to shelter for a Category 5 storm event (Level E storm surge threat) and ensure shelter space is available to accommodate the additional population; or
3. Will provide appropriate mitigation as determined by Lee County Department of Public Safety, to satisfy both criteria above, which may include the payment of money or construction of hurricane shelters and transportation facilities.

STAFF: The proposed development will be required to comply with 101.1.4.

POLICY 101.3.2: Restrict development in the Coastal High Hazard Area to uplands except as needed for the provision of public facilities.

- The site is 19.33 acres with 1.16 acres of natural waterways in Phillips Creek on the southern portion of the site. Therefore, the site has 18.17 of uplands used for density calculations.

STAFF: The proposed amendment is consistent with Policy 101.3.2.

LEE PLAN CONSISTENCY

POLICY 101.3.6: Prohibit the use of Transferable Development Units (TDUs) and bonus density utilizing cash contributions for affordable housing on property located within the Coastal High Hazard Area.

- The proposed land use change allows using up to 145 units (based on uplands) of bonus density increasing the potential site built affordable units in Lee County.

POLICY 101.3.7: Bonus density for site-built affordable housing development will be considered within the Coastal High Hazard Area.

- The land use change incentivizes a request for bonus density by increasing the potential number of units that are restricted to be site built affordable making the request consistent with this policy.

The applicant considers bonus density in this area good planning. The former mobile home flooded 2-3 feet in Hurricane Ian. Since that time, the Flournoy Group and the Royal Palms Village POA have successfully terminated the 132 individual lots making way for redevelopment. It is telling that this was able to be accomplished. CHHA is not an appropriate location for mobile homes, particularly on older parcels that are not raised to current base flood elevations.

Repeated flood risks prompted the cooperation of the termination.

PUBLIC INFRASTRUCTURE

Letters of availability have been secured from service providers stating they are capable and have capacity to support the increased density and intensity for the land use change.

- **Lee County Utilities** serves the site and has **capacity** for water and sanitary sewer.
- **Roadways** have adequate capacity as the site, as proposed, will have direct access onto US 41, a state maintained principal arterial, and secondary access to Gladiolus Drive, a Lee County maintained arterial via Old Gladiolus Drive Lee County local road.
- **Lee Tran** has a bus stop **within one-quarter mile** – #11490 located at the car wash directly adjacent to the property (approximately less than 200 ft.). Two route serves the South Fort Myers Area by via Route 140 (Merchants Crossing/Bell Tower) and Route 240 (Coconut Point Mall/Bell Tower) on both the northbound and southbound travel lanes along the US Highway 41 roadway.
- The **US 41 proposed access** provides connection to the **shared use path on the west side of US 41**.
- The site entrance onto Old Gladiolus Drive is within ¼ mile of the **shared path on Gladiolus Drive and the Lakes Park regional Lee County Park**.
- South Trail **Fire Station #63** is **within one mile** of the site north on US 41 to Harper Road.
- The Lee County **Sheriff's South District primary substation** is **within one mile** as is an EMS substation on Six Mile Cypress Parkway.



STATE COMPREHENSIVE PLAN CONSISTENCY

Land Use – 187.201 (15)

- **Goal of preserving natural resources and enhancing quality of life through efficient development and the separation of urban and rural land uses.**
 - Urban environment primed for redevelopment and serving as dense residential transition from intense commercial to lower density residential.

Public Facilities – 187.201 (17)

- **Goal of protecting and maximizing investments in public facilities, and to allocate costs of new facilities based on benefits to existing and future residents**
 - Higher potential density in employment center with all urban services in place maximizes existing and planned public facilities.

BENEFITS OF PROPOSED CHANGE

- Incentive for redevelopment of a low-lying mobile home park in a CHHA that flooded during Hurricane Ian to an unrecoverable status.
- Allow higher density in an urban center near employment, and urban services such as transit, parks, multi-use pathways, all utilities and life safety support.
- The current building and elevation requirements that would be used to redevelop the site provide substantially superior resiliency to the effects of tropical storms, hurricanes and flooding compared to older construction.
- Access to substantial evacuation routes able to meet the life safety and FL Statutes requirements for evacuation times.
- Over 100 units contributing to site built affordable units or environmentally sensitive development that meet gray water statutes.

- Consistent with the Comprehensive Plan and Land Development Code.
- Lee Plan change creates incentive for resilient residential redevelopment as urban infill in an employment center.
- All necessary urban infrastructure is in place.
- Additional potential density negligibly affects evacuation times due to access to major evacuation routes.
- Staff Recommendation of Adoption.
- In my professional opinion as an AICP certified planner I agree with staff that the request is generally consistent with the Comprehensive Plan's goals policies and objectives, the Town's Land Development Code and Ordinances, and other applicable regulations.

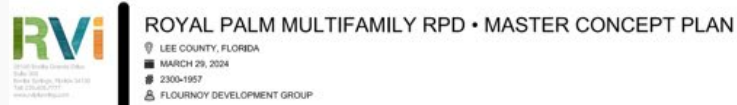
CPA2023-00011

THANK YOU!

QUESTIONS?

COMPANION ZONING REQUEST

The request is to rezone the Property from MHC-2 to RPD to allow for 391 multifamily apartments with site build affordable housing through bonus density and supporting amenities. Access will be from Old Gladius Road and US 41.



LINE OF SIGHT STUDY



LINE OF SIGHT STUDY

