

1. Requested Motion:

Meeting Date: March 1, 2021

DCI 2020-0009 Myerside CPD Rezoning Ordinance First Reading

Open the public hearing and if approved, set the second reading and final hearing for April 5, 2021 at 9:00 AM

Why the action is necessary:

The applicant has requested a rezoning from RC to CPD. The Town Council shall hold a first reading of a proposed ordinance and consider setting a second reading to consider approval, approval with conditions, or denial.

What the action accomplishes:

Rezoning Ordinances require two readings. The first reading is to consider setting a date for a second reading and public hearing.

2. Agenda:

PUBLIC HEARINGS

3. Requirement/Purpose:

The Town's Land Development Code requires all rezoning applications to be heard by the Town Council.

4. Submitter of Information:

5. Background:

The subject site is located at multiple addresses, 2661-2668 Estero, 125 School Street, and 131-151 School Street, at the intersection with Oak Street, School Street, and Estero Boulevard. The site is a combination of 12 lots platted as part of Winkler's subdivision in 1931 (Winkler's Subdivision, Block C, Lots 23-27 (2661-2668 Estero) Lot 28 (125 School Street) and Lots 29 - 34 (131-151 School Street). Each platted lot is approximately 25 feet in width and 150 feet in depth.

Based on information found on Lee County Property Assessor Field Cards, the six platted lots for 131-151 School Street appear to have been originally developed as three separate properties, each consisting of two of the platted lots, and each property having one structure. Property deeds show that the three individual properties came under common ownership by 1962 and have remained in common ownership since that time.

Prior Lee County zoning actions include Lee County Resolution Z-72-18 dated February 1, 1972 that granted a variance for an apartment under a duplex for personal home use on Lots 33 and 34. Additionally, ZVL2013-008 verified that the subject property consists of six platted lots.

Town records indicate that a rezoning to CPD was requested and denied by Town Council in 1996 (Res 96-31). The request was to build five multifamily dwelling units with commercial below. The original request was denied in February; while a revised and scaled down request was then denied in November 1996. The meeting minutes detail how the site was developed with multiple older structures that were in poor condition; while the applicant pointed out that the request did not include hotel uses and no access from School Street. The Town Council findings included the proposed commercial uses were not appropriate in the Boulevard Future Land Use Map category due to intrusion of a commercial use into a residential neighborhood.

The current property configuration resulted from the combination of three separate parcels in

2008 (STRAP #s 19-46-24-W3-0020C.0290, 19-46-24-W3-0020C.0310 and 19-46-24-W3-0020C.0330), and the addition of the remaining parcels comprising the the subject site, 2661-2668 Estero Blvd. and 125 School Street, in 2016 after the Town Council granted a special exception to allow a Bed and Breakfast use (only on the added parcels). According to the current Lee County Property Appraiser records, the 2661-2668 Estero Boulevard consists of two single-family dwelling units; and one single-family dwelling with an apartment.

The current application requests a rezoning from the RC zoning district to CPD. All CPD rezoning applications are required to have a master concept plan, which the applicant submitted, identifying proposed development and how development is consistent with the Town's Comprehensive Plan and Land Development Code.

The applicant has provided a narrative with the original application in Supplemental PH-D documents explaining how it believes the proposed rezoning and master concept plan are consistent with the Comprehensive Plan, Land Development Code (including LDC Sec 34-85), and the Town's Design Guidelines. The original application requested 16 guest/hotel units developed over multiple phases. Since the original application, the applicant has responded to staff questions and review comments by submitting revised components of the request and the master concept plan. There have been two resubmittals containing modifications to the original application. The final submittal includes a request to allow 14 guest/hotel units over multiple phases; 600 sq. ft. of retail use, a restaurant, and rearranged building(s) to accommodate parking, stormwater, and other site modifications. The Schedule of Uses also includes Residential and Residential Accessory uses. Staff disagrees and questions why these are mixed with the requested Lodging and Retail uses.

In addition the last submitted plan includes an update to requested deviations. The current request includes seven (7) deviations to various design and development criteria. The deviations requested would allow the applicant to decrease landscape buffers, setbacks, and design criteria, among others. Some of the deviations are to accommodate existing buildings with non-conforming setbacks, access location point separation, and parking space size.

The staff report specifies why the request is inconsistent with the Town's Comprehensive Plan and Land Development Code. Staff has recommended denial based on the findings in the staff report.

The LPA reviewed the application on February 9th, 2021 and recommended approval with conditions with a 6-0 vote.

The applicant has provided a "clouded" Master Concept Plan showing edits since the LPA meeting. They have also submitted the following proposed conditions of approval:

1. On Premises Consumption of alcoholic beverages (COP) shall be limited to the future restaurant and existing Tiki hut as identified on the Master Concept Plan.
2. COP hours of service for the outdoor seating associated with the restaurant shall be limited to 10AM-10PM.
3. Amplified sound associated with the outdoor restaurant seating shall be limited to 10AM-10PM.

Attachments:

1. 21-02 Myerside Hotel CPD
2. Myerside CPD Rezoning Staff Report TC
3. Draft 02.09.2021 LPA minutes
4. Myerside MCP 02-16-2021 Clouds
5. Schedule of Deviations (track changes)11-24-2020

6. 11-17-2020 P. Vanasse Response Letter to Jason Green and request to be scheduled for LPA(15932302_1)
7. DCI 2020009 Response to insufficiency July 2020
8. DCI 2020009 MYERSIDE REZONING APP
9. DCI 2020009 MYERSIDE REZONING SUPPLEMENTAL PH-D APP
10. Resolution 96-31 Denying rezoning to CPD for 5 multifamily units
11. 11.18.1996 Town Council Regular Minutes
12. SEZ2015-0006 MYERSIDE BNB TC Staff Report
13. 16-09, SEZ2015-0006 131-151 SCHOOL ST MYERSIDE B AND B FINAL

Financial Impact:

6. Alternative Action

Recommend approval or approval with conditions

7. Management Recommendations:

Deny

8. Recommended Approval:

Jason Green, Community Development Services
Jason Green, Community Development Services
John R Herin Jr, Town Attorney
Amy Baker, Town Clerk
Roger Hernstadt, Town Manager

Created/Initiated - 2/22/2021
Approved - 2/24/2021
Approved - 2/24/2021
Approved - 2/25/2021
Final Approval - 2/25/2021