



APPLICATION TO AMEND A PLANNED DEVELOPMENT OR PUD and/or

APPLICATION FOR FINAL PLAN APPROVAL IN UNINCORPORATED AREAS ONLY [LDC Section 34-380 or 34-1037]

Project Name: Legacy Church Minor Administrative Amendment

Current Zoning: CPD

- Amend schedule of uses for Tract 2B to include Place of Worship for
[X] Amendment to a PD or PUD to allow: existing western building
[] Final Plan Approval for:

1. Name of Applicant: Legacy Church, Inc.
Address: 20041 S. Tamiami Trail, Suite 1
City, State, Zip: Estero, FL 33928
Phone Number: 239-860-0096
E-mail Address: nolen@kingmo.org

2. Relationship of Applicant to owner (check one) and provide Affidavit of Authorization form:
[] Applicant is the sole owner of the property. [34-201; 34-204]
[X] Applicant has been authorized by the owner(s) to represent them for this action. [34-202; 34-204]

3. Authorized Agent: (If different than applicant) Name of the person who is to receive all County-initiated correspondence regarding this application. [34-202; 34-204]
a. Company Name: Banks Engineering
Contact Person: Stacy Ellis Hewitt, AICP
Address: 10511 Six Mile Cypress Parkway, Suite 101
City, State, Zip: Fort Myers, FL 33966
Phone Number: 239-770-2527 Email: shewitt@bankseng.com

b. Additional Agent(s): Provide the names of other agents that the County may contact concerning this application. [34-202; 34-204]

4. Property owner(s): If multiple owners (corporation, partnership, trust, association), provide a list with owner interest. [34-201; 34-204]
Name: Distressed Capital II, LLC
Address: 8911 Daniels Parkway, Suite 6
City, State, Zip: Fort Myers, FL 33912
Phone Number: E-mail:

5. Disclosure of Interest [34-201; 34-204]:
[X] Attach Disclosure of Interest Form. [34-201; 34-204]

6. STRAP Number(s) [34-204]:
34-46-25-E1-17003.0003
(formerly 34-46-25-17-00003.0003)

7. Street Address of Property: 21115 Design Parc Ln., Estero, FL 33928

LEE COUNTY COMMUNITY DEVELOPMENT
PO BOX 398 (1500 MONROE STREET), FORT MYERS, FL 33902
PHONE (239) 533-8585

8. **Legal Description (must submit one):**

Legal description (metes and bounds) and sealed sketch of the legal description. [34-204]

OR

Legal description (NO metes and bounds) if the property is located within a subdivision platted per F.S. Chapter 177, and is recorded in the Official Records of Lee County under Instruments or Plat Books. ([Click here](#) to see an example of a legal description with no metes and bounds.) [34-204]

9. **Lee Plan (Future Land Use) Designation [34-204]:** Suburban

10. **Original Project Name:** International Design Source Center

11. **Original Rezoning Resolution Number:** Z-05-039

12. **Subsequent Zoning Action Resolution/Case Numbers (if any):** Please list all previous zoning and administrative actions (approvals and denials) on this project subsequent to original rezoning. Include Resolution Numbers and Case Numbers (provide added sheets, if necessary).

| | |
|-------|-------|
| _____ | _____ |
| _____ | _____ |
| _____ | _____ |

13. **Development Order Numbers (if any):** List all local development orders approved on this project. Please indicate the status of each development order (provide added sheets, if necessary).

| | |
|-------------------------------|-------|
| <u>DOS2005-00345 - ISSUED</u> | _____ |
| _____ | _____ |
| _____ | _____ |

14. **Written Narrative:** Provide a written narrative statement explaining exactly what is proposed.

15. **Deviations:** If any relief is requested from the provisions of the Lee County Land Development Code (LDC), provide a **written explanation** of the specific relief requested (a schedule of deviations). Explain what conditions currently exist which warrant this request for relief from the regulations (a written justification for each of the requested deviations). Include specific references to any section (number{s} and name{s}) of the LDC from which relief is sought including why the requested relief is necessary and how it will affect the project. All deviation requests must be specifically keyed to the location on the Master Concept Plan or Final Plan. [34-373]

16. **Planning Community or Community Plan Area*:** Village of Estero

*If in Caloosahatchee Shores [33-1482], Captiva [33-1612], Estero [33-64], Lehigh Acres [33-1401], North Fort Myers [33-1532], North (Upper) Captiva [33-1711], or Page Park [33-1203], attach meeting summary from informational meeting.

17. **Approved Master Concept Plan (MCP):** Provide an APPROVED MCP and DETAILED DRAWINGS of any DEVIATIONS OR CHANGES BEING PROPOSED at a size of 24"x36". [34-204; 34-373]

18. **Proposed Final Plan (for Final Plan Approval applications only):** Provide a copy of the proposed Final Plan consistent with the approved Master Concept Plan and the approved Zoning Resolution at a size of 24"x36". This proposed Final Plan must show any DEVIATION(s) keyed on the plan to identify the location of the specific deviation. [34-204]

SUBMITTAL REQUIREMENT CHECKLIST

Clearly label your attachments as noted in bold below.

| | |
|-------------------------------------|---|
| <input checked="" type="checkbox"/> | Completed application [34-204] |
| <input checked="" type="checkbox"/> | Filing Fee [34-204] |
| <input checked="" type="checkbox"/> | Affidavit of Authorization Form [34-204; 34-202] |
| <input checked="" type="checkbox"/> | Additional Agents [34-204; 34-202] |
| <input type="checkbox"/> | Multiple Owners List (if applicable) [34-201; 34-204] |
| <input checked="" type="checkbox"/> | Disclosure of Interest Form [34-204; 34-201] |
| <input checked="" type="checkbox"/> | Legal description (must submit one) [34-204] |
| <input checked="" type="checkbox"/> | Legal description (metes and bounds) and sealed sketch of legal description |
| | OR |
| <input type="checkbox"/> | Legal description (NO metes and bounds) if the property is located within a subdivision platted per F.S. Chapter 177, and is recorded in the Official Records of Lee County under Instruments or Plat Books. (Click here to see an example of a legal description with no metes and bounds.) |
| <input type="checkbox"/> | Previous Zoning Actions (if applicable) |
| <input type="checkbox"/> | DO Numbers (if applicable) |
| <input checked="" type="checkbox"/> | Narrative of Request [34-204] |
| <input type="checkbox"/> | Schedule of Deviations (if applicable) [34-373] |
| <input type="checkbox"/> | Meeting Summary (if applicable) [34-204] |
| <input type="checkbox"/> | MCP and detailed drawings of any proposed deviations (if applicable) (24"x36") [34-204] |
| <input type="checkbox"/> | Proposed Final Plan including deviations keyed to the plan (24"x36") [34-204] |

Note: All information submitted with the application becomes a part of the public record and will be a permanent part of the file. Department staff will review this application for compliance with requirements of the Lee County Land Development Code. The applicant will be notified of any deficiencies.

Acceptance of an application for an administrative amendment in no way guarantees its approval. If the Director determines that the requested amendment is beyond the scope of Land Development Code Section 34-380 or 34-1036 and that a public hearing is necessary, then all fees paid toward the administrative application may be applied toward an application for public hearing.

The Director's decision on an administrative amendment is final and can not be appealed. In the event the Director denies the request, the applicant's only recourse is to apply for a public hearing. No fees paid for the administrative application will be refunded or applied towards the public hearing.

If it is determined that inaccurate or misleading information was provided to the county or the decision does not comply with the Land Development Code when rendered, then, at any time, the Director may issue a modified decision that complies with the Code or revoke the decision. If the approval is revoked, the applicant may acquire the necessary approvals by filing an application for public hearing in accordance with Chapter 34.

MEMORANDUM
FROM THE
DEPARTMENT OF COMMUNITY DEVELOPMENT

DATE: July 9, 2015

To: Planning and Zoning Board

FROM: Alvin Block, AICP
Principal Planner

SUBJECT: ADD2015-00098, Legacy Church

This application requests to amend the Commercial Planned Development, CPD zoning to add the use of "Place of Worship" to Tract 2B of this planned development. Included with this memorandum is a copy of Resolution Number Z-05-039. This is the original and only zoning action related to this planned development. Development within this planned development has only occurred on Tract 2B. No development has yet occurred on Tract 2A. It should be noted that the remaining Tract 2A is a part of a separate application for rezoning in DCI2015-00013, Volunteers of America. That application is seeking a rezoning from Commercial Planned Development, CPD to Residential Planned Development, RPD.

The original planned development consisted of 15.63 acres, located along the north side of Corkscrew Road, east of the intersection with Sandy Lane. The approval permitted 143,000 square feet of commercial building, of which 30,000 square feet could be retail use. No individual building could exceed 30,000 square feet. The approved Schedule of Uses provided for a separate set of Uses on each of the identified parcels: Parcel 2A and 2B.

The subject property (Tract 2B) was approved for development in DOS2005-00345 for 4 buildings with a total floor area of 41,492 square feet. Tract 2A and land to the west (fronting Corkscrew Road and Sandy Lane) were approved for development in DOS2005-00058 consisting of 11 buildings, with a total floor area of 193,000 square feet. No development has occurred and this development order will expire on November 11, 2015.

This application only seeks to amend the Schedule of Uses for Tract 2B to add the use of Place of Worship. The applicant desires to occupy one of the buildings with a Place of Worship.

LDC Section 34-2051 et seq. provides the Supplemental Regulations for Places of Worship and Religious Facilities. This has also been included with this memorandum. The surrounding properties to Tract 2B of this planned development have been reviewed and site checked.

- North of the Tract is RPD zoning consisting of single family homes within the Estates at Estero River.
- East of the tract is CPD and MH-2 zoning. The CPD zoning fronts along Corkscrew Road and is currently vacant. A development order has been approved for the development of a 10,136 square foot building consisting of offices and retail use. This development order remains in effect until June 24, 2018. The MH-2 zoning consists of single family mobile homes within the unrecorded Cypress Mobile Home subdivision.
- South of the Tract, across Corkscrew Road, is CPD zoning for Corkscrew Palms Center. This property is developed with various commercial uses within multiple buildings.
- West of the Tract, is vacant CPD zoning consisting of Tract 2A of the same planned

development the subject property of this application is located within. As mentioned earlier in this memorandum, this property to the west is the subject of a separate zoning application seeking a rezoning to RPD.

The proposed amendment to add the use of "Place of Worship" to the approved Schedule of Uses for the planned development can be approved, as conditioned, based on the following findings offered for the Planning and Zoning Board's consideration, in accordance with LDC Section 34-380:

1. The proposed amendment does not increase height, density or intensity (i.e., number of dwelling units or quantity of commercial or industrial floor area).
2. The amendment will not result in the substantial underutilization of public resources and public infrastructure committed to the support of the development;
3. The amendment will not result in a reduction of total open space provided on the master concept plan by more than ten percent or that would decrease the amount of indigenous native vegetation or open space required by the Code;
4. The amendment does not result in a decrease of preservation areas and does not change buffers or landscaping areas; or
5. Is not expected to adversely impact surrounding land uses.

One condition has been offered by the applicant (see Attachment C) in response to comments presented during the recent public informational workshop held before the Planning and Zoning Board. This condition has been included in the draft action.

Also in Attachment C (second page), the applicant has provided off-street parking calculations where they have indicated with the proposed Place of Worship the site will continue to comply with the off-street parking requirements.

Attachments:

- A. Resolution Number Z-05-039
- B. LDC Section 34-2051
- C. E-Mail from Banks Engineering

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

WHEREAS, Galleria at Corkscrew, LLC filed an application on behalf of the property owners, The Design Parc, LLC, DSC Investments, LLC and Florida Gulf Properties, LLC to rezone a +/- 15.63 acre parcel from Residential Planned Development (RPD) and Commercial Planned Development (CPD) to Commercial Planned Development (CPD) in reference to The Design Parc; and

WHEREAS, a public hearing was advertised and held on May 4, 2005, before the Lee County Zoning Hearing Examiner, who gave full consideration to the evidence in the record for Case #DCI2004-00050; and

WHEREAS, a second public hearing was advertised and held on August 15, 2005, before the Lee County Board of Commissioners, who gave full and complete consideration to the recommendations of the staff, the Hearing Examiner, the documents on record and the testimony of all interested persons.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS:

SECTION A. REQUEST

The applicant filed a request to rezone a +/- 15.63 acre parcel from RPD and CPD to CPD, to allow up to 143,000 square feet of commercial uses, 60,000 of which may be retail. Maximum height requested is 45 feet/3 stories. No development blasting is being requested.

The property is located in the Suburban Land Use Category and is legally described in attached Exhibit A. The request is APPROVED, SUBJECT TO the conditions and deviations specified in Sections B and C below.

SECTION B. CONDITIONS:

All references to uses are as defined or listed in the Lee County Land Development Code (LDC).

1. The development of this project must be consistent with the 1-page Master Concept Plan entitled "DESIGN PARC" stamped RECEIVED SEP 02 2005, except as modified by the conditions below. This development must comply with all requirements of the Lee County LDC at time of local development order approval, except as may be granted by deviation as part of this planned development. If changes to the Master Concept Plan are subsequently pursued, appropriate approvals will be necessary.

COPY

2. The following limits apply to the project and uses:

a. Schedule of Uses

Tract 2A

ACCESSORY USES AND STRUCTURES
ADMINISTRATIVE OFFICES
ATM
BANKS AND FINANCIAL ESTABLISHMENTS, GROUPS I AND II
BROADCASTING STUDIO
BUILDING MATERIAL SALES
BUSINESS SERVICES, GROUPS I AND II. EXCLUDING ARMORED CAR SERVICES & AUTOMOBILE REPOSSESSING SERVICES.
CLEANING & MAINTENANCE SERVICES
CLOTHING STORES, GENERAL
COMPUTER AND DATA PROCESSING SERVICES
CONSUMPTION ON PREMISES, INDOOR ONLY, IN CONJUNCTION WITH A GROUP III RESTAURANT ONLY.
CONSUMPTION ON PREMISES LIMITED TO BUILDINGS SOUTH OF THE 24-FOOT-WIDE CROSS ACCESS EASEMENT.
OUTDOOR CONSUMPTION ON PREMISES WILL REQUIRE SPECIAL EXCEPTION APPROVAL (PUBLIC HEARING REQUIRED).
CONTRACTORS AND BUILDERS, GROUP I
CULTURAL FACILITIES LIMITED TO ART GALLERIES AND MUSEUMS
DAY CARE CENTER, ADULT, CHILD
DRIVE THROUGH FACILITY, LIMITED TO BANKS, DRUG STORE/PHARMACY AND DRY CLEANERS.
DRUGSTORE, PHARMACY
ESSENTIAL SERVICES, GROUP I
EXCAVATION, WATER RETENTION - NO BLASTING. THE REMOVAL OF EXCAVATED MATERIAL OFF-SITE IS PROHIBITED.
FENCES, WALLS
FOOD STORE, GROUPS I AND II
GIFT AND SOUVENIR SHOP
HARDWARE STORE
HEALTH CARE FACILITIES, GROUPS I AND II
HOBBY, TOY AND GAME SHOP
HOUSEHOLD AND OFFICE FURNISHINGS
INSURANCE COMPANIES
LAUNDRY AND DRY CLEANING, GROUPS I AND II - NO PROCESSING PLANTS.
LAWN AND GARDEN SUPPLY STORES
LIBRARY
MEDICAL OFFICE
MOTION PICTURE PRODUCTION STUDIO
NON-STORE RETAILER

PARCEL AND EXPRESS SERVICES, NO WAREHOUSE/DISTRIBUTION CENTER
PACKAGE STORE, LIMITED TO ONE IN A MULTIPLE-OCCUPANCY COMPLEX - NO STAND-ALONE.
PAINT, GLASS, AND WALLPAPER
PARKING LOT, ACCESSORY, TEMPORARY
PERSONAL SERVICES, GROUPS I, II, III, AND IV - EXCLUDING ESCORT SERVICES, STEAM OR TURKISH BATHS, PALM READERS, FORTUNE TELLERS OR CARD READERS, AND TATTOO PARLORS
PET SERVICES, NO OUTDOOR RUNS.
PET SHOPS, NO OUTDOOR RUNS
PHOTOFINISHING LABORATORY
PRINTING AND PUBLISHING
REAL ESTATE SALES OFFICE
RECREATIONAL FACILITIES, GROUP I
RENTAL OR LEASING ESTABLISHMENTS, GROUP I
REPAIR SHOP, GROUPS I AND II
RESEARCH AND DEVELOPMENT LABORATORY, GROUP II
RESTAURANT, GROUPS I, II, III, AND IV. NO FAST FOOD.
RETAIL AND WHOLESALE SALES WHEN CLEARLY INCIDENTAL AND SUBORDINATE TO A PERMITTED PRINCIPAL USE ON THE SAME PREMISES.
SCHOOLS, COMMERCIAL
SIGNS, PER CH. 30
SOCIAL SERVICES GROUP I
SPECIALTY RETAIL SHOP, GROUPS I, II, AND III
STORAGE, INDOOR ONLY
STUDIOS
TEMPORARY USES
USED MERCHANDISE STORE, GROUPS I AND II
VARIETY STORE
WHOLESALE ESTABLISHMENT, GROUP III

Tract 2B

ACCESSORY USES AND STRUCTURES
ADMINISTRATIVE OFFICES
ATM
BANKS AND FINANCIAL ESTABLISHMENTS, GROUPS I AND II
BROADCASTING STUDIO
BUSINESS SERVICES, GROUPS I AND II. EXCLUDING ARMORED CAR SERVICES & AUTOMOBILE REPOSSESSING SERVICES.
CLEANING & MAINTENANCE SERVICES
COMPUTER AND DATA PROCESSING SERVICES
CULTURAL FACILITIES - LIMITED TO ART GALLERIES AND MUSEUMS
DAY CARE CENTER, ADULT, CHILD
ESSENTIAL SERVICES, GROUP I

EXCAVATION, WATER RETENTION - NO BLASTING. THE REMOVAL OF EXCAVATED MATERIAL OFF-SITE IS PROHIBITED.

FENCES, WALLS
HEALTH CARE FACILITIES, GROUPS I, II AND III
INSURANCE COMPANIES
LIBRARY
MEDICAL OFFICE
MOTION PICTURE PRODUCTION STUDIO
NON-STORE RETAILER
PARKING LOT, ACCESSORY, TEMPORARY
PERSONAL SERVICES, GROUPS I, II, III, AND IV - EXCLUDING ESCORT SERVICES, STEAM OR TURKISH BATHS, PALM READERS, FORTUNE TELLERS OR CARD READERS, AND TATTOO PARLORS
PET SERVICES - GROOMING ONLY; NO OUTDOOR RUNS.
PRINTING AND PUBLISHING
REAL ESTATE SALES OFFICE
RESEARCH AND DEVELOPMENT LABORATORY, GROUP II
SCHOOLS, COMMERCIAL
SIGNS, PER CH. 30
SOCIAL SERVICES, GROUP I
STORAGE, INDOOR ONLY
STUDIOS
TEMPORARY USES
WHOLESALE ESTABLISHMENT, GROUP III

b. Site Development Regulations

The project may be developed with a total of 143,000 square feet of commercial building, 30,000 of which may be retail.

No individual building in this development may exceed 30,000 square feet.

No outdoor storage or display of merchandise is permitted.

Minimum lot area and dimensions:

| | |
|------------|--------------------|
| Lot Size: | 21,780 square feet |
| Lot Width: | 100 feet |
| Lot Depth: | 100 feet |

Minimum Setbacks:

| | |
|------------------------|---|
| Corkscrew Road- | In accordance with the Corkscrew Road Main Street Overlay District (See also Deviation 4) |
| Street - private roads | 20 feet |
| Side | 10 feet |
| Rear | 15 feet |

| | |
|-----------------------|---|
| Waterbody | 25 feet except as otherwise approved in Deviation 8 |
| Accessory Structures | per LDC §34-1174 |
| Maximum height: | 45 feet/3 stories - except as otherwise approved in Deviation 9 |
| Maximum lot coverage: | 40 percent |
| Minimum open space: | 30 percent |

3. No development blasting is permitted as part of this project unless approved at a subsequent public hearing as an amendment to the planned development.
4. AGRICULTURAL USES. Existing bona fide agricultural uses on this site is allowed only in strict compliance with the following:
 - a. Bona fide agricultural uses that are in existence at the time this resolution is approved and as shown on Exhibit D attached hereto may continue until approval of a local development order for the area of the project containing those uses.
 - b. Additional clearing or grading of existing agricultural uses is prohibited. This prohibition is not intended to preclude County approved requests for the removal of exotic species.
 - c. The property owner must terminate the agricultural tax exemption for any portion of the property that receives a local development order. The agricultural use must cease by December 31st of the calendar year in which the local development order is issued. The exemption termination must be filed with the Property Appraiser's Office by December 31st of the calendar year in which the local development order is issued. A copy of the exemption termination must be provided to the Office of the County Attorney.
5. Buildings exceeding 35 feet in height must maintain additional building separation as regulated by LDC §34-2174(a).
6. Approval of this zoning request does not address mitigation of the project's vehicular or pedestrian traffic impacts. Additional conditions consistent with the Lee County LDC may be required to obtain a local development order.
7. Approval of this rezoning does not guarantee local development order approval. Future development order approvals must satisfy the requirements of the Lee Plan Planning Communities Map and Acreage Allocation Table, Map 16 and Table 1(b), be reviewed for, and found consistent with, the retail commercial standards for site area, including range of gross floor area, location, tenant mix and general function, as well as all other Lee Plan provisions.

8. Accessory uses must be located on the same tract, parcel or outparcel where a principal use is located. Accessory uses must be incidental and subordinate to the principal use of the tract, parcel or outparcel.
9. All required buffers must use 100 percent native vegetation.
10. Prior to approval of local development order, a minimum of 30 percent of common open space must be delineated on the development order plans.
11. Prior to local development order approval, the landscape plans must delineate the two heritage oak trees to be preserved along Corkscrew Road.
12. Prior to any site work, the appropriate gopher tortoise permit must be obtained from the Florida Fish and Wildlife Conservation Commission. A copy of the permit and any associated receipt must be submitted to the Division of Environmental Sciences Staff. The excavation of the burrow and moving of any gopher tortoise or commensal species to appropriate open space areas must be coordinated with the Division of Environmental Sciences Staff.

SECTION C. DEVIATIONS:

1. Deviation (1) seeks relief from the LDC §10-416(d)(6) requirement to provide a solid wall or wall/berm combination not less than eight feet in height to be constructed not less than 25 feet from the abutting property line and landscaped (between the wall and the abutting property) with a minimum of five trees, and 18 shrubs per 100 linear feet if roads, drives, or parking areas are located less than 125 feet from an existing residential subdivision or residential lots, to allow a solid wall or combination berm and solid wall not less than eight feet in height to be constructed not less than 15 feet from the abutting property line to the north and landscaped (between the wall and the abutting property) with a double staggered row hedge maintained at 60 inches and 10 trees per 100 linear feet.
2. Deviation (2) seeks relief from the LDC §34-1044 requirement to provide a 20-foot wide buffer with 10 trees and 30 shrubs per 100 linear feet with an 8-foot-high solid wall, to allow a 15-foot-wide buffer and solid wall or combination berm and solid wall not less than eight feet in height constructed not less than 15 feet from the abutting property line and landscaped (between the wall and the abutting property) with a double staggered row hedge maintained at 60 inches and 10 trees per 100 linear feet.

These buffer requests are consistent with the buffer proposed in the Galleria CPD (DCI2004-00049) to the west. The applicant argues the parking area and proposed commercial development is separated from those residential uses by:

- a. The retention area to the north on the Master Concept Plan (only Tract 2B).
- b. The enhanced buffer proposed.
- c. The open space and right of way at the Estero River Estates Subdivision.

The applicant is offering to enhance the buffer by adding vegetation above and beyond the LDC requirements. Deviations 1 and 2 are APPROVED, SUBJECT TO the following condition:

Prior to approval of any development order, the landscape plans must delineate that at least one-half of the 10 trees per linear 100 feet on the northern and eastern boundaries (excluding the adjacent commercial parcel) are canopy type trees (no palms), 16 feet minimum height, with a 4-inch caliper at planting.

3. Deviation (3) - WITHDRAWN
4. Deviation (4) seeks relief from the LDC §34-1047 requirement to provide a maximum 25-foot setback in the Corkscrew Road Main Street Overlay District, to allow a setback of 135 feet maximum along Corkscrew Road for the commercial buildings shown on the approved Master Concept Plan.

Two large buildings, a gazebo and two small buildings are shown on the Corkscrew Road frontage on the Master Concept Plan to be set back 135 feet from the road. The buildings are set back from dry retention areas and a proposed lake. The intent of the regulation, to shield the parking area from the road, is still met with the combination of the lake and retention areas, and the placement of the buildings and buffering. The applicant received supportive comments from both the Estero Community Planning Panel (ECP) and the Estero Design Review Committee for this design. This deviation is APPROVED, SUBJECT TO THE condition that:

Approval is limited to the two large buildings and the gazebo shown on Tract 2A of the approved Master Concept Plan.

5. Deviation (5) seeks relief from the LDC §10-416(d)(4), and LDC §34-1044 requirements to provide a Type "D" buffer along Corkscrew Road, to eliminate the buffer in front of the lake as shown on the Master Concept Plan. The applicant is requesting this deviation so that the lake feature shown on the MCP is not blocked from view by the buffer. The Estero Design Review Committee was in favor of this request. This deviation is APPROVED, SUBJECT TO the condition that:

Prior to local development order approval, the landscape plans must include details of the plantings for the dry detention areas adjacent to the lake. These dry detention areas must be planted with appropriate native vegetation (minimum 1-gallon container size) that will provide a 50 percent coverage at time of planting.

6. Deviation (6) seeks relief from the LDC §10-329(d)(4) requirement to provide lake banks to be sloped at a maximum 4:1 slope, to allow a zero horizontal and a zero vertical slope for the bank slope that is adjacent to the buildings shown on the Master Concept Plan. This deviation is APPROVED, SUBJECT TO the condition that:
 - a. Bulkheads or stem walls may comprise up to 30 percent of the lake shoreline. A compensatory littoral zone equal to the linear footage of the bulkhead must be provided and shown on the development order plans meeting the following criteria:

- i. A 5-foot-wide littoral shelf planted with herbaceous wetland plants to provide 50 percent coverage at time of planting; or
 - ii. an 8:1 slope littoral shelf with herbaceous wetland plants to provide 50 percent coverage at time of planting; or
 - iii. an equivalent littoral shelf design as approved by the Division of Environmental Sciences Staff.
7. Deviation (7) - Deleted by the Hearing Examiner, pursuant to the May 10, 2005 memorandum from Tony Palermo stating this deviation is unnecessary. (Relates to signage request for three ground-mounted identification signs along Corkscrew Road for this development.)
8. Deviation (8) seeks relief from the LDC §34-1047 requirement to provide a 25-foot waterbody setback in the Corkscrew Road Main Street Overlay District, to allow a zero-foot waterbody setback for the buildings and gazebo abutting the north shore of the proposed lake. This deviation is APPROVED, SUBJECT TO the approval being limited to Buildings 1 and 2, and the gazebo as depicted on the approved Master Concept Plan.
9. Deviation (9) seeks relief from the LDC §34-1046(a)(6) requirement which limits the heights of the buildings to three stories or 45 feet, to allow the 65-foot height of the ornamental clock tower. This deviation is APPROVED, SUBJECT TO limiting the approval to the clock tower as it is depicted on the approved Master Concept Plan.

SECTION D. EXHIBITS AND STRAP NUMBER:

The following exhibits are attached to this resolution and incorporated by reference:

- Exhibit A: Legal description of the property
Exhibit B: Zoning Map (with the subject parcel indicated)
Exhibit C: The Master Concept Plan
Exhibit D: Agricultural uses at time of rezoning

The applicant has indicated that the STRAP numbers for the subject property are: 34-46-25-00-00002.0010, 34-46-25-00-00008.0010, and 34-46-25-00-00008.02010

SECTION E. FINDINGS AND CONCLUSIONS:

1. The applicant has proven entitlement to the rezoning by demonstrating compliance with the Lee Plan, the LDC, and any other applicable code or regulation.
2. The rezoning, as approved:

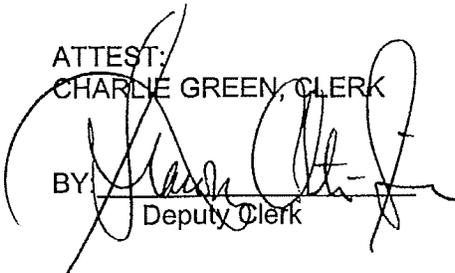
- a. meets or exceeds all performance and locational standards set forth for the potential uses allowed by the request; and,
 - b. is consistent with the densities, intensities and general uses set forth in the Lee Plan; and,
 - c. is compatible with existing or planned uses in the surrounding area; and,
 - d. will not place an undue burden upon existing transportation or planned infrastructure facilities and will be served by streets with the capacity to carry traffic generated by the development; and,
 - e. will not adversely affect environmentally critical areas or natural resources.
3. The rezoning satisfies the following criteria:
- a. the proposed use or mix of uses is appropriate at the subject location; and
 - b. the recommended conditions to the concept plan and other applicable regulations provide sufficient safeguard to the public interest; and
 - c. the recommended conditions are reasonably related to the impacts on the public interest created by or expected from the proposed development.
4. Urban services, as defined in the Lee Plan, are, or will be, available and adequate to serve the proposed land use.
5. The approved deviations, as conditioned, enhance achievement of the planned development objectives, and preserve and promote the general intent of LDC Chapter 34, to protect the public health, safety and welfare.

The foregoing resolution was adopted by the Lee County Board of Commissioners upon the motion of Commissioner Judah, seconded by Commissioner Janes and, upon being put to a vote, the result was as follows:

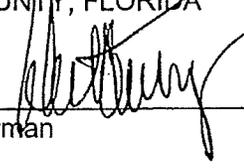
| | |
|----------------------|--------|
| Robert P. Janes | Aye |
| Douglas R. St. Cerny | Absent |
| Ray Judah | Aye |
| Tammy Hall | Aye |
| John E. Albion | Absent |

DULY PASSED AND ADOPTED this 15th day of August 2005.

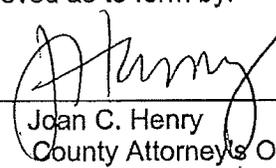
ATTEST:
CHARLIE GREEN, CLERK

BY: 
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: 
Chairman

Approved as to form by:


Joan C. Henry
County Attorney's Office



CASE NO: DCI2004-00050

2005 SEP 16 AM 11:27
RECEIVED
MINUTES OFFICE

Z-05-039
Page 10 of 10

Banks Engineering, Inc.

Professional Engineers, Planners & Land Surveyors
FORT MYERS ♦ NAPLES ♦ SARASOTA

RECEIVED
FEB 01 2005

DESCRIPTION
OF A
PARCEL OF LAND
LYING IN
SECTION 34, TOWNSHIP 46 SOUTH, RANGE 25 EAST
LEE COUNTY, FLORIDA

(15.63 ACRE PARCEL)

PERMIT COUNTER

DCI 2004-00050

A TRACT OR PARCEL OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF LEE, LYING IN SECTION 34, TOWNSHIP 46 SOUTH, RANGE 25 EAST, SAID LEE COUNTY, FLORIDA, BEING FURTHER BOUND AND DESCRIBED AS FOLLOWS:

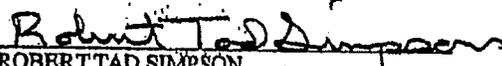
COMMENCING AT THE SOUTHWEST CORNER OF THE ESTATES AT ESTERO RIVER, A SUBDIVISION RECORDED IN PLAT BOOK 76, PAGES 82 THROUGH 85 OF THE PUBLIC RECORDS OF SAID LEE COUNTY; THENCE S.89°50'12"E. ALONG THE SOUTH LINE OF SAID SUBDIVISION FOR 757.16 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE S.89°50'12"E. ALONG THE SOUTH LINE OF SAID SUBDIVISION FOR 1202.86 FEET TO THE SOUTHEAST CORNER OF SAID SUBDIVISION; THENCE S.01°07'24"E. FOR 554.87 FEET TO AN INTERSECTION WITH THE NORTH RIGHT-OF-WAY LINE OF CORKSCREW ROAD (S.R. S-850); THENCE S.89°37'03"W. ALONG SAID RIGHT-OF-WAY FOR 304.66 FEET; THENCE CONTINUE ALONG SAID RIGHT-OF-WAY S.86°45'18"W. FOR 200.25 FEET; THENCE CONTINUE ALONG SAID RIGHT-OF-WAY S.89°37'03"W. FOR 557.88 FEET TO THE SOUTHEAST CORNER OF TAKING 100-3 AS RECORDED IN OFFICIAL RECORD BOOK 3487, PAGES 379 THROUGH 382 OF THE PUBLIC RECORDS OF SAID LEE COUNTY; THENCE N.77°01'36"W. ALONG THE NORTHERLY LINE OF SAID TAKING FOR 43.29 FEET; THENCE CONTINUE ALONG SAID NORTHERLY LINE S.89°37'03"W. FOR 98.00 FEET; THENCE N.01°07'24"W. FOR 566.33 FEET TO THE POINT OF BEGINNING

PARCEL CONTAINS 15.63 ACRES, MORE OR LESS.

SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS, RIGHTS-OF-WAY OF RECORD AND TAKING 100-3 AS RECORDED IN OFFICIAL RECORD BOOK 3487, PAGES 379 THROUGH 382 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA.

ASSUMED NORTH BASED ON THE WEST LINE OF THE ESTATES AT ESTERO RIVER, A SUBDIVISION RECORDED IN PLAT BOOK 76, PAGES 82 THROUGH 85 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA AS BEARING S.01°11'39"E.

DESCRIPTION PREPARED May 25, 2004


ROBERT TAD SIMPSON
REGISTERED LAND SURVEYOR
FLORIDA CERTIFICATION NO. 5559

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SHEET 1 OF 2

EXHIBIT A

10511 Six Mile

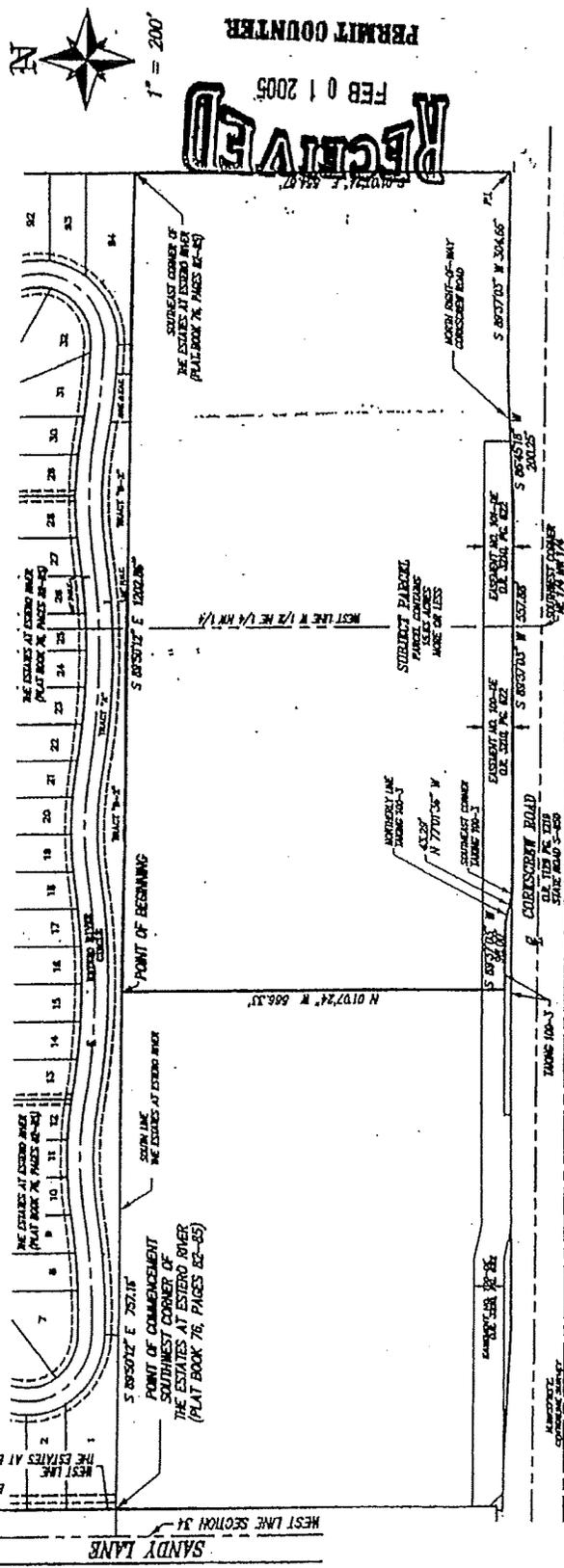
• Fax (239) 989-2923

SKETCH OF DESCRIPTION

Banka Engineering, Inc.
 PROFESSIONAL ENGINEERS, LAND SURVEYORS & PLANNERS
 FLORIDA BUSINESS CERTIFICATION NUMBER 1216541
 10631 SIX MILE CYPRESS PARKWAY - SUITE 101
 PORT JEFFERSON, FLORIDA 33854
 (239) 839-4480

OF
 A TRACT OR PARCEL OF LAND LYING IN
 SECTION 34, TOWNSHIP 46 SOUTH, RANGE 25 EAST,
 LEE COUNTY, FLORIDA
 (15.63 ACRE PARCEL)

28 | 27
 33 | 34



1" = 200'

RECEIVED
 FEB 01 2005
 PERMIT COUNTER

SEE SHEET 1 FOR COMPLETE METES AND BOUNDS DESCRIPTION.
THIS SKETCH OF DESCRIPTION IS NOT A BOUNDARY SURVEY

LEGEND:
 PG. NO. INDICATES PAGE
 & INDICATES CENTERLINE
 P.L. INDICATES POINT OF INTERSECTION
 O.R. INDICATES OFFICIAL RECORDS BOOK
 P.U.E. INDICATES PUBLIC UTILITY EASEMENT
 E.A.E. INDICATES EMERGENCY ACCESS EASEMENT

NOTES:
 1.) SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS, RIGHTS-OF-WAY OF RECORD, AND TAKING 100-3 AS RECORDED IN OFFICIAL RECORD BOOK 3487, PAGES 379 THROUGH 382 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA.
 2.) ASSUMED NORTH BASED ON THE WEST LINE OF THE ESTATES AT ESTERO RIVER, A SUBMISSION RECORDED IN PLAT BOOK 76, PAGES 82-85 OF THE PUBLIC RECORDS OF LEE COUNTY FLORIDA AS BEARING S.07111.39°E.

Robert Tad Stupson
ROBERT TAD STUPSON
 REGISTERED LAND SURVEYOR
 FLORIDA CERTIFICATION NO. 5559

PREPARED 05-26-04
 SHEET 2 OF 2

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ZONING INTAKE MAP DCI2004-00050

4/14/2005

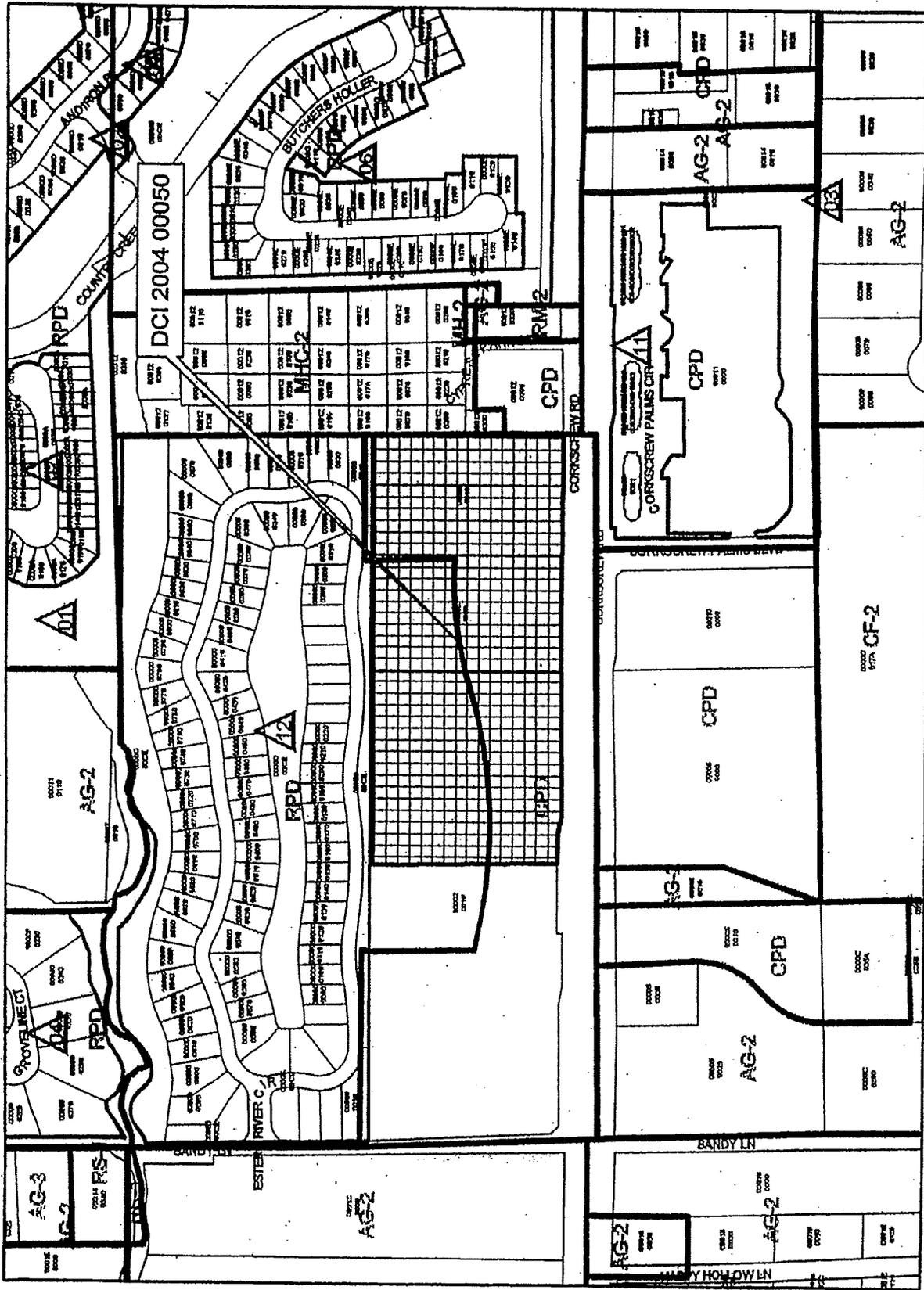
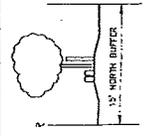


EXHIBIT B

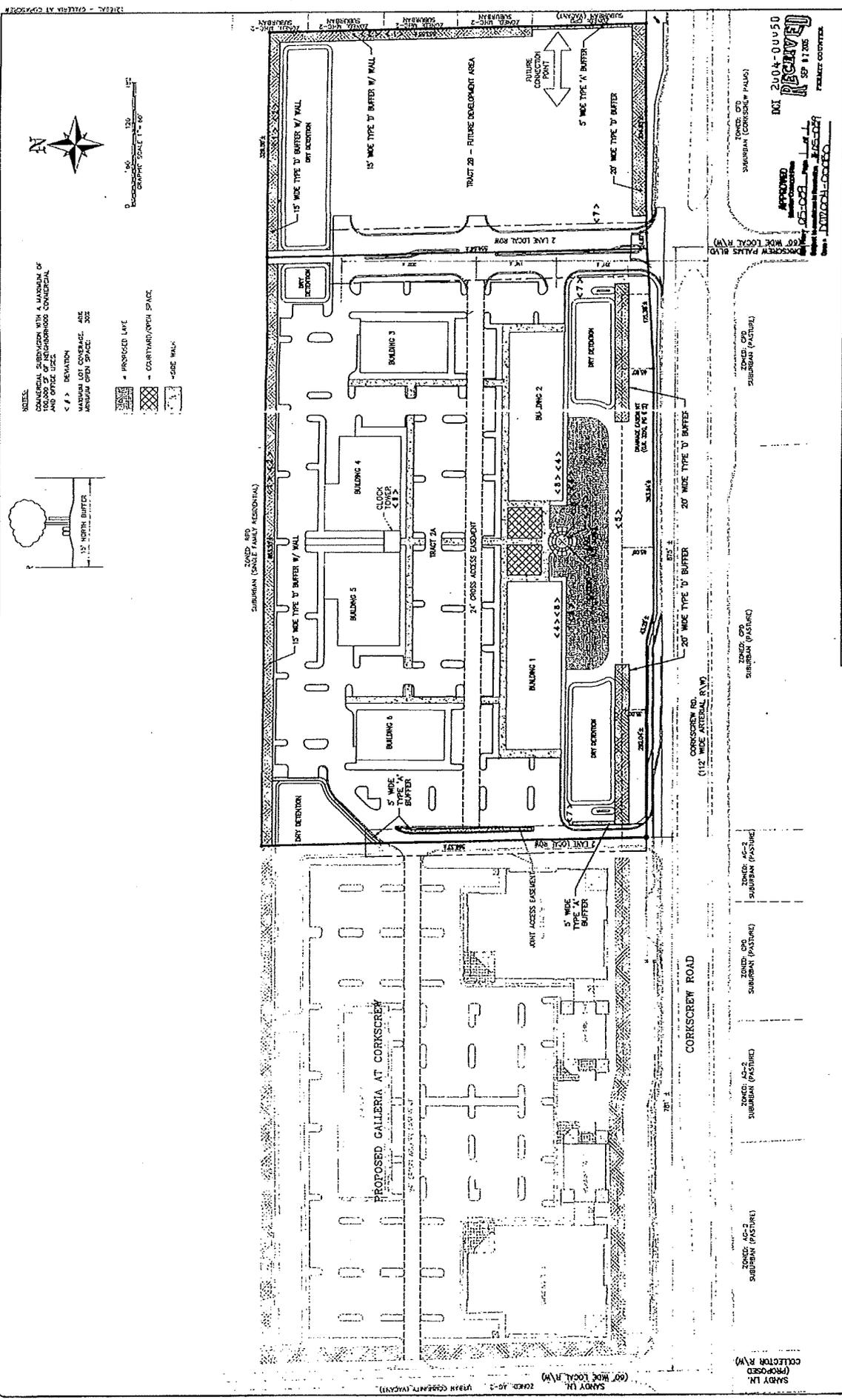
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NOTES:
 COMMERCIAL SUBDIVISION WITH A MAXIMUM OF
 10,000 SF OF NEIGHBORHOOD COMMERCIAL
 AND OFFICE USES.
 < F > DEVIATION
 MAXIMUM LOT COVERAGE: 30%
 MINIMUM OPEN SPACE: 10%



- PROPOSED LAKE
- COURTYARD/OPEN SPACE
- SITE WALK



APPROVED
 06-08-08
 2004-00050
 RECEIVED
 SP 11205
 PLANNING DEPARTMENT
 PLANNING & ZONING
 100 W. WASHINGTON ST.
 TAMPA, FL 33604

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|----------|-----------|---------|---------|--------|-------|----|
| DATE | PROJECT | DRAWN | CHECKED | SCALE | SHEET | OF |
| 12-22-04 | 131 LOCAL | JMP-TSL | EPF | 1"=40' | 1 | 1 |

Wattman Engineering, Inc.
 Professional Engineers, Planners & Land Surveyors
 1001 N. 10th Street, Suite 200
 Ft. Lauderdale, FL 33304
 PHONE: (754) 561-1100
 FAX: (754) 561-1101
 WWW: WWW.WATTMAN-ENG.COM

MASTER CONCEPT PLAN
DESIGN PARC
 LEE COUNTY, FLORIDA

SANDY LN. (90' WIDE LOCAL R/W)
 ZONED: AG-2
 SUBURBAN (PASTURE)

CORNSCREW ROAD
 ZONED: AG-2
 SUBURBAN (PASTURE)

2 LANE LOCAL RD.
 ZONED: AG-2
 SUBURBAN (PASTURE)

AFFIDAVIT

STATE OF FLORIDA

COUNTY OF LEE

BEFORE ME this day appeared THIES PICKENPACK who, being first duly sworn, deposes and says:

1. He is the Managing Member of Galleria at Corkscrew, LLC, the owner of the property that is the subject of Application DCI 2004-00050.
2. A copy of the boundary sketch of the property to be rezoned is attached as Exhibit "A". The parcel consists of 15.63± acres.
3. A portion of the parcel described in Exhibit "A" is being used for grazing purposes.
4. Galleria at Corkscrew, LLC, or its successors in interest, intend to continue this use upon the approval of the rezoning until approval of a Local Development Order for the area of the project, upon which the cattle grazing use exists.

EXECUTED this 25 day of August, 2004.

GALLERIA AT CORKSCREW, LLC

By: [Signature]
Thies Pickenpack

Its: Managing Member

SWORN TO AND SUBSCRIBED before me this 25th day of August, 2004, by THIES PICKENPACK, who is personally known to me or who has produced _____ as identification.

My Commission Expires:



Mary O Gagnon
My Commission DD007004
Expires January 27, 2006

Mary C. Gagnon
Notary Public

Mary C. Gagnon
Print Type Name of Notary

EXHIBIT D

RECEIVED
OCT 11 2004

PERMIT COUNTER
DCI 2004 00050

Ballas Engineering, Inc.

Professional Engineers, Planners & Land Surveyors
FORT MYERS ♦ NAPLES ♦ SARASOTA

RECEIVED
FEB 01 2005

DESCRIPTION
OF A
PARCEL OF LAND
LYING IN
SECTION 34, TOWNSHIP 46 SOUTH, RANGE 25 EAST
LEE COUNTY, FLORIDA

(15.63 ACRE PARCEL)

PERMIT COUNTER

DCI 2004-00050

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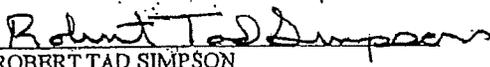
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DESCRIPTION PREPARED May 25, 2004


ROBERT TAD SIMPSON
REGISTERED LAND SURVEYOR
FLORIDA CERTIFICATION NO. 5559

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S:\Jobs\12xx\1216GAL\SURVEYING\DESCRIPTIONS\1216GAL-05_SKT.dwg

SKETCH OF DESCRIPTION

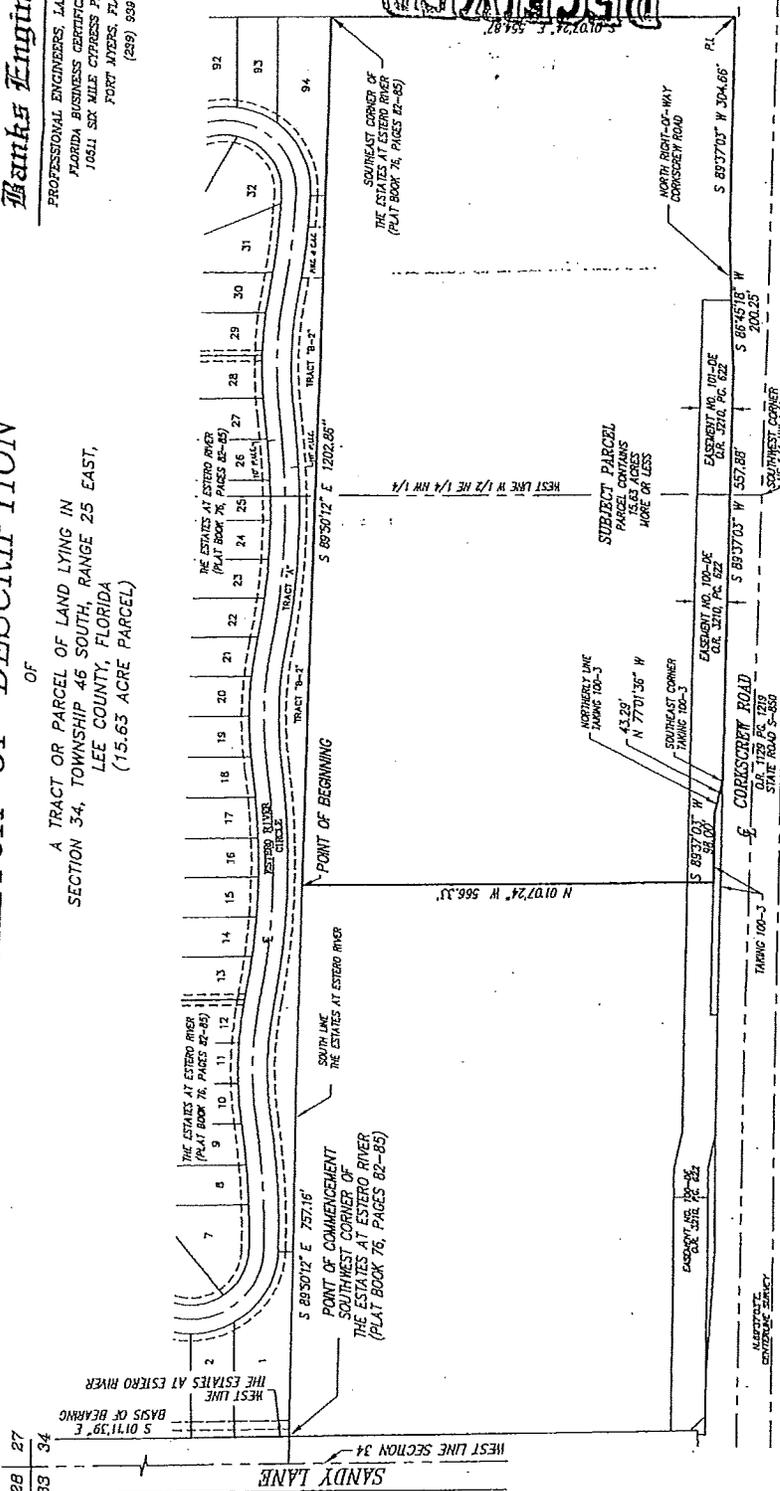
OF

A TRACT OR PARCEL OF LAND LYING IN
SECTION 34, TOWNSHIP 46 SOUTH, RANGE 25 EAST,
LEE COUNTY, FLORIDA
(15.63 ACRE PARCEL)

Banks Engineering, Inc.
PROFESSIONAL ENGINEERS, LAND SURVEYORS & PLANNERS
FLORIDA BUSINESS CERTIFICATION NUMBER LB 6890
10611 SIX MILE CYPRESS PARKWAY - SUITE 101
FORT MYERS, FLORIDA 33912
(239) 939-5490



RECEIVED
FEB 01 2005
PERMIT COUNTER



NOTES:

- 1.) SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS, RIGHTS-OF-WAY OF RECORD, AND TAKING 100-3 AS RECORDED IN OFFICIAL RECORD BOOK 3487, PAGES 379 THROUGH 382 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA.
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LEGEND:

- PG. INDICATES PAGE
- NO. INDICATES NUMBER
- C INDICATES CENTERLINE
- P.I. INDICATES POINT OF INTERSECTION
- O.R. INDICATES OFFICIAL RECORDS BOOK
- P.U.E. INDICATES PUBLIC UTILITY EASEMENT
- E.A.E. INDICATES EMERGENCY ACCESS EASEMENT

PREPARED 05-26-04
SHEET 2 OF 2

Robert Tad Simpson
ROBERT TAD SIMPSON
REGISTERED LAND SURVEYOR
FLORIDA CERTIFICATION NO. 5559

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SEE SHEET 1 FOR COMPLETE METES AND BOUNDS DESCRIPTION.

THIS SKETCH OF DESCRIPTION IS NOT A BOUNDARY SURVEY

THIS SKETCH OF DESCRIPTION IS NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

DIVISION 27. - PLACES OF WORSHIP AND RELIGIOUS FACILITIES

Sec. 34-2051. - Property development regulations.

- (a) *Noncommercial or nonindustrial districts.* All religious facilities and all places of worship located in noncommercial or nonindustrial districts shall be subject to the following property development regulations:
- (1) *Minimum lot area and dimensions.*
 - a. Minimum lot area is two acres.
 - b. Minimum lot width is 100 feet.
 - c. Minimum lot depth is 100 feet.
 - (2) *Maximum building height.* The building height shall be governed by the zoning district within which the use is located; provided, however, that in no zoning district shall any height limitation apply to a church spire or any single-story portion of a structure.
 - (3) *Maximum lot coverage.* Maximum lot coverage is 40 percent in all districts unless a zone is less restrictive.
 - (4) *Setbacks.*
 - a. Minimum front setback is 25 feet.
 - b. Minimum side setback is ten percent of the lot width, with a minimum of 20 feet and a maximum of 40 feet. If a structure exceeds 35 feet in height, the required side setback shall be increased on each side by an additional one-half foot for every foot of height over 35 feet. It is the intent of this subsection that flexibility of site design should be achieved by permitting the portion of a particular side setback in excess of 30 feet to be provided for by increasing the opposite side setback in the amount of such excess.
 - c. Minimum rear setback is 20 feet.
 - d. Minimum water body setback is 25 feet.
- (b) *Commercial and industrial districts.* All places of worship and all religious facilities located in a zone permitting both residential and commercial uses as principal uses shall adhere to the commercial property development regulations of that district.

(Zoning Ord. 1993, § 521(A)1, 2)

Sec. 34-2052. - Parking.

- (a) Minimum parking requirements are set forth in division 26 of this article.
- (b) Parking for ancillary facilities must meet the requirements of division 26 of this article; provided that, where the ancillary facilities will not be used at the same time, parking will be based upon the peak anticipated attendance at any one time, for all facilities.
- (c) Parking on grass. Up to 50 percent of the parking spaces required for the sanctuary or main assembly hall of a place of worship may be provided as parking on grass, provided the regulations set forth in the following sections, pertaining to off-street parking requirements, are met:
 - (1) Section 34-2013, parking lot access.
 - (2) Section 34-2014, parking plans.
 - (3) Section 34-2015(1), location.

- (4) Section 34-2015(2), design, subsections a, c and d.
- (5) Section 34-2016(1)b, dimensional requirements.
- (6) Section 34-2016(3), aisle widths.

(Zoning Ord. 1993, § 521(A)3; Ord. No. 12-20, § 4, 9-11-12)

Sec. 34-2053. - Expansion of existing place of worship.

Expansion of existing places of worship, lawfully existing as of August 1, 1986, by right or by special exception, is hereby declared a legal use. Additions, renovations or other expansion of the main place of assembly may be permitted upon application for and approval of a building permit in accordance with all applicable County regulations, without the requirement of special exception approval. Any expansion which would constitute a religious facility will require a special exception, except in those zoning districts where permitted by right.

(Zoning Ord. 1993, § 521(B))

Secs. 34-2054—34-2080. - Reserved.

Block, Alvin

From: Stacy Hewitt [SHewitt@BanksEng.com]
Sent: Monday, July 06, 2015 4:20 PM
To: Block, Alvin
Cc: 'Mary Gibbs' (gibbs@estero-fl.gov); Tom Lehnert
Subject: RE: Legacy Church - ADD2015-00098

The church is comfortable with the proposed condition that no worship services will be scheduled during normal business hours of 8:00 a.m. to 5:00 p.m., Monday through Friday. In the 6 years of the church's existence it has not had any special occasion usage of its current leased space that would require more than its normal share of parking spaces. The church has no plans for such events in the future that would require more parking spaces than allocated.

Thanks for all of your help and please don't hesitate to contact me if you have any questions or further comments.

Stacy

Stacy Ellis Hewitt, AICP
Director of Planning



10511 Six Mile Cypress Parkway
Fort Myers, Florida 33966
Cell: (239) 770-2527
Fax: (239) 939-2523
E-Mail: shewitt@bankseng.com

From: Block, Alvin [mailto:ABlock@leegov.com]
Sent: Monday, July 06, 2015 2:40 PM
To: Stacy Hewitt
Cc: 'Mary Gibbs' (gibbs@estero-fl.gov); Tom Lehnert
Subject: RE: Legacy Church - ADD2015-00098

OK. So If I am reading this correctly, you have determined the development has enough parking to support the church and other development without need for a deviation or variance for parking.

You can then propose the condition to address the workshop comments. Does the Church have special occasions, holydays, or similar instances where worship services may happen during your proposed hours and days? Will the condition cause the church to have a violations on those days?

Alvin "Chip" Block, AICP

Principal Planner
Lee County Department of Community Development
Zoning Division
Phone: (239) 533-8371
Fax: (239) 485-8344
blockah@leegov.com
Join our online public forum at www.leecountytownhall.com

From: Stacy Hewitt [<mailto:SHewitt@BanksEng.com>]
Sent: Monday, July 06, 2015 2:23 PM
To: Block, Alvin
Cc: 'Mary Gibbs' (gibbs@estero-fl.gov); Tom Lehnert
Subject: RE: Legacy Church - ADD2015-00098

Thanks for the quick response Chip.

The center has a total of 138 parking spaces which was calculated at 1 space per 300 square feet for anticipated office uses. The subject building is 10,004 square feet, so it was allocated 34 parking spaces. The church will occupy the entire building and is proposing 169 seats. The Lee County code calls for 1 parking space for every 5 seats for Places of Worship located within a Multiple-Use Development, resulting in 34 spaces required for the proposed use.

The remaining buildings total 31,488 square feet. All existing tenants are office uses and future anticipated tenants are anticipated to be office uses. The Lee County code has been revised since the site was developed and now calls for 1 parking space for every 350 square feet for office uses located within a Multiple-Use Development. The remaining buildings will require 90 parking spaces and 104 parking spaces are provided, resulting in an excess of 14 parking spaces.

I believe this demonstrates that adequate parking exists to support the request. Please share your thoughts.

Thank you,

Stacy

Stacy Ellis Hewitt, AICP
Director of Planning



10511 Six Mile Cypress Parkway
Fort Myers, Florida 33966
Cell: (239) 770-2527
Fax: (239) 939-2523
E-Mail: shewitt@bankseng.com

From: Block, Alvin [<mailto:ABlock@leegov.com>]
Sent: Monday, July 06, 2015 1:03 PM
To: Stacy Hewitt
Cc: 'Mary Gibbs' (gibbs@estero-fl.gov); Tom Lehnert
Subject: RE: Legacy Church - ADD2015-00098

I realize that the questions asked included the hours the businesses and the church would be in operation, whether they overlap, and whether there will be enough parking to support the uses.

Please consider providing the following information, which I think the Board is looking for:

- A simple calculation of off-street parking requirements for existing uses. Then a simple parking calculation of off-street parking to support the Place of Worship. Then an accounting of any additional floor area not yet leased or occupied, which will result in the need for additional off-street parking to support any new uses desiring to occupy the development.
- If necessary, a deviation from the parking regulations to allow the church to locate on the property.

I am concerned with the proposed condition. Current owners/businesses have not been limited to hours of operation. This leaves at least two days out of the week where there is the potential for over-parking, specifically during the time that worship services could be happening. The proposed condition does not appear to address the issue of not having enough parking to support the uses. In addition, it is difficult to enforce, since it happens on the weekend and Code Enforcement would not be available to confirm potential violations.

Alvin "Chip" Block, AICP

Principal Planner

Lee County Department of Community Development

Zoning Division

Phone: (239) 533-8371

Fax: (239) 485-8344

blockah@leegov.com

Join our online public forum at www.leecountytownhall.com

From: Stacy Hewitt [<mailto:SHewitt@BanksEng.com>]

Sent: Monday, July 06, 2015 12:39 PM

To: Block, Alvin

Cc: 'Mary Gibbs' (gibbs@estero-fl.gov); Tom Lehnert

Subject: Legacy Church - ADD2015-00098

Good morning Chip. I hope you had a great 4th of July weekend.

In response to the question of parking at the Village of Estero Planning & Zoning Board public information meeting on June 30, 2015, the applicant offers the following backup information and proposed condition for your review and comment.

Adequate parking exists on site to support the proposed use of Place of Worship. The owners of the other 3 buildings have agreed that having a place of worship in the complex is not a problem, but a benefit as their needs for parking occur at different times. The applicant offers the following condition of approval to provide additional assurance:

No worship services will be scheduled during normal business hours of 8:00 a.m. to 5:00 p.m., Monday through Friday.

Please review and let me know if you have any comments or suggestions.

Thank you,

Stacy

Stacy Ellis Hewitt, AICP

Director of Planning



10511 Six Mile Cypress Parkway

Fort Myers, Florida 33966

Cell: (239) 770-2527

Fax: (239) 939-2523

E-Mail: shewitt@bankseng.com

Please note: Florida has a very broad public records law. Most written communications to or from County Employees and officials regarding County business are public records available to the public and media upon request. Your email communication may be subject to public disclosure.

Under Florida law, email addresses are public records. If you do not want your email address released in response to a public records request, do not send electronic mail to this entity. Instead, contact this office by phone or in writing.

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WHEREAS, the following findings of fact are offered:

1. The proposed amendment does not increase density or intensity within the development; and
2. The proposed amendment does not decrease buffers or open space required by the Land Development Code; and
3. The applicant has demonstrated that there is sufficient parking to support the proposed and existing uses on Tract 2B; and
4. The Planning and Zoning Board has taken this action at a duly constituted public hearing after due public notice.

NOW, THEREFORE, IT IS HEREBY DETERMINED that the application for administrative approval is APPROVED, subject to the following conditions:

1. The terms and conditions of the original zoning resolution (Z-05-039) remain in full force and effect. No changes have been approved to the originally adopted Master Concept Plan.
2. Condition 2a. of Zoning Resolution Z-05-039 is hereby amended to add the following use for Tract 2B:
 - a. Place of Worship
3. No worship services may be scheduled between the hours of 8:00 AM and 5:00 PM, Monday through Friday.
4. If it is determined that inaccurate or misleading information was provided to staff or the Planning and Zoning Board or if this decision does not comply with the LDC when rendered, then, at any time, the Planning and Zoning Board may issue a modified decision that complies with the Code or revoke the decision. If the approval is revoked, the applicant may acquire the necessary approvals by filing an application for public hearing in accordance with Chapter 34.

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PASSED AND DULY ADOPTED this ____ day of _____, 2015.

**VILLAGE OF ESTERO, FLORIDA
PLANNING AND ZONING BOARD**

Roger Strelow, Chairman

Attest:

By: _____
Kathy Hall, MMC
Village Clerk

Reviewed for legal sufficiency

By: _____
Nancy Stroud, Esq.

Vote:

| | | |
|-----------------|---------|--------|
| Roger Strelow | Yes ___ | No ___ |
| David Crawford | Yes ___ | No ___ |
| Ned Dewhirst | Yes ___ | No ___ |
| Marlene Naratil | Yes ___ | No ___ |
| Jeff Maas | Yes ___ | No ___ |
| Scotty Wood | Yes ___ | No ___ |
| Ryan Binkowski | Yes ___ | No ___ |

Exhibits:
A – Legal Description
B – Master Concept Plan

EXHIBIT A

Banks Engineering

Professional Engineers, Planners & Land Surveyors
FORT MYERS ♦ NAPLES ♦ SARASOTA

APPROVED
ADD2015-00098
Chick Jakacki, Planner
Lee Co Division of Zoning
6/12/2015

DESCRIPTION
OF A
PARCEL OF LAND
LYING IN

SECTION 34, TOWNSHIP 46 SOUTH, RANGE 25 EAST
LEE COUNTY, FLORIDA

(15.63 ACRE PARCEL)

A TRACT OR PARCEL OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF LEE, LYING IN SECTION 34, TOWNSHIP 46 SOUTH, RANGE 25 EAST, SAID LEE COUNTY, FLORIDA, BEING FURTHER BOUND AND DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF THE ESTATES AT ESTERO RIVER, A SUBDIVISION RECORDED IN PLAT BOOK 76, PAGES 82 THROUGH 85 OF THE PUBLIC RECORDS OF SAID LEE COUNTY; THENCE S.89°50'12"E. ALONG THE SOUTH LINE OF SAID SUBDIVISION FOR 757.16 FEET TO THE **POINT OF BEGINNING**; THENCE CONTINUE S.89°50'12"E. ALONG THE SOUTH LINE OF SAID SUBDIVISION FOR 1202.86 FEET TO THE SOUTHEAST CORNER OF SAID SUBDIVISION; THENCE S.01°07'24"E. FOR 554.87 FEET TO AN INTERSECTION WITH THE NORTH RIGHT-OF-WAY LINE OF CORKSCREW ROAD (S.R. S-850); THENCE S.89°37'03"W. ALONG SAID RIGHT-OF-WAY FOR 304.66 FEET; THENCE CONTINUE ALONG SAID RIGHT-OF-WAY S.86°45'18"W. FOR 200.25 FEET; THENCE CONTINUE ALONG SAID RIGHT-OF-WAY S.89°37'03"W. FOR 557.88 FEET TO THE SOUTHEAST CORNER OF TAKING 100-3 AS RECORDED IN OFFICIAL RECORD BOOK 3487, PAGES 379 THROUGH 382 OF THE PUBLIC RECORDS OF SAID LEE COUNTY; THENCE N.77°01'36"W. ALONG THE NORTHERLY LINE OF SAID TAKING FOR 43.29 FEET; THENCE CONTINUE ALONG SAID NORTHERLY LINE S.89°37'03"W. FOR 98.00 FEET; THENCE N.01°07'24"W. FOR 566.33 FEET TO THE **POINT OF BEGINNING**

PARCEL CONTAINS 15.63 ACRES, MORE OR LESS.

SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS, RIGHTS-OF-WAY OF RECORD AND TAKING 100-3 AS RECORDED IN OFFICIAL RECORD BOOK 3487, PAGES 379 THROUGH 382 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA.

ASSUMED NORTH BASED ON THE WEST LINE OF THE ESTATES AT ESTERO RIVER, A SUBDIVISION RECORDED IN PLAT BOOK 76, PAGES 82 THROUGH 85 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA AS BEARING S.01°11'39"E.

DESCRIPTION PREPARED May 25, 2004


RICHARD M. RITZ
REGISTERED LAND SURVEYOR
FLORIDA CERTIFICATION NO. 4009
DATE SIGNED: 5-29-2015

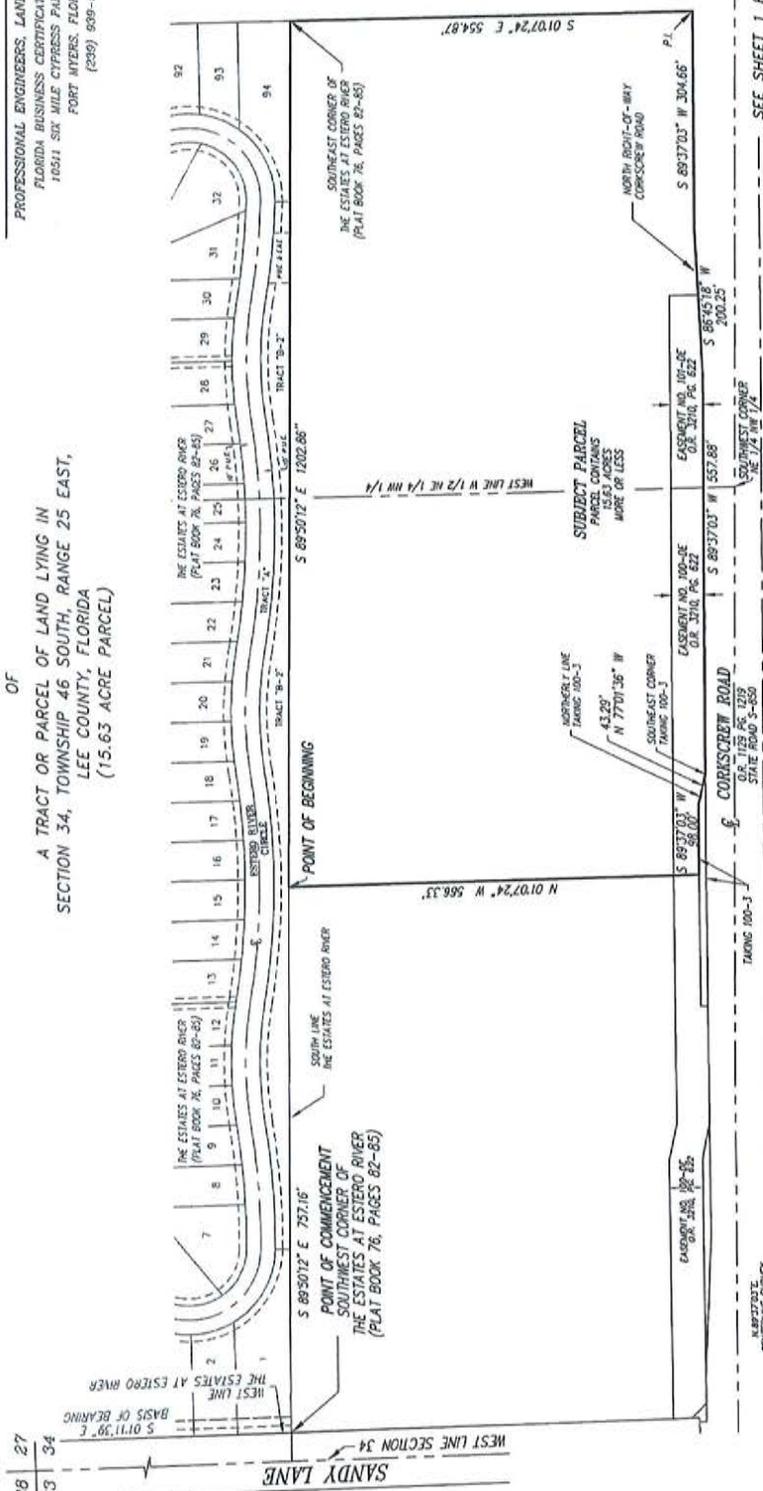
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SKETCH OF DESCRIPTION

Banks Engineering

PROFESSIONAL ENGINEERS, LAND SURVEYORS & PLANNERS
 FLORIDA BUSINESS CERTIFICATION NUMBER LB 6690
 10511 SIX MILE CYPRESS PARKWAY - SUITE 101
 FORT MYERS, FLORIDA 33912
 (239) 609-5190

OF
 A TRACT OR PARCEL OF LAND LYING IN
 SECTION 34, TOWNSHIP 46 SOUTH, RANGE 25 EAST,
 LEE COUNTY, FLORIDA
 (15.63 ACRE PARCEL)



SEE SHEET 1 FOR COMPLETE METES AND BOUNDS DESCRIPTION.

THIS SKETCH OF DESCRIPTION IS NOT A BOUNDARY SURVEY

LEGEND:

- PG. INDICATES PAGE
- NO. INDICATES NUMBER
- C. INDICATES CENTERLINE
- P.I. INDICATES POINT OF INTERSECTION
- O.R. INDICATES OFFICIAL RECORDS BOOK
- P.U.E. INDICATES PUBLIC UTILITY EASEMENT
- E.A.E. INDICATES EMERGENCY ACCESS EASEMENT

- NOTES:**
- 1.) SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS, RIGHTS-OF-WAY OF RECORD, AND TAKING 100-3 AS RECORDED IN OFFICIAL RECORD BOOK 3487, PAGES 379 THROUGH 382 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA.
 - 2.) ASSUMED NORTH BASED ON THE WEST LINE OF THE ESTATES AT ESTERO RIVER, A SUBDIVISION RECORDED IN PLAT BOOK 76, PAGES 82-85 OF THE PUBLIC RECORDS OF LEE COUNTY FLORIDA AS BEARING S.01111 39'E.

Richard M. Ritz
 RICHARD M. RITZ
 REGISTERED LAND SURVEYOR
 FLORIDA CERTIFICATION NO. 4008
 - DATE SIGNED: 5-29-2015
 - THIS LEGAL DESCRIPTION AND SKETCH IS NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL ENGED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER

PREPARED 05-26-04
 SHEET 2 OF 2

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 S:\10665\121664\LSURV\WING\DESCRIPTIONS\121664L-05_SKT_REV-5-29-2015.dwg