



VILLAGE OF ESTERO ZONING STAFF REPORT

CASE TYPE: ADMINISTRATIVE AMENDMENT
CASE NUMBER: ADD2015-00145
CASE NAME: AUTUMN LEAVES OF ESTERO
PLANNING & ZONING BOARD DATE: NOVEMBER 17, 2015

REQUEST AND STAFF RECOMMENDATION

The applicant is requesting two deviations for monument signage at the Autumn Leaves Memory Care facility located on US 41 directly south of Marsh Landing. For the reasons outlined in this report, staff recommends approval of the setback request, and denial of the request for an additional sign.

APPLICATION SUMMARY

Applicant: Estero Memory Care, LLC

Request: There are two deviations requested - one for setbacks and one for the number of signs.

- Deviation for a reduced setback of ten feet (10') versus the required fifteen feet (15') defined by Land Development Code (LDC) Section 33-385 (a) (3). There are also two decorative columns along the main entry at Lyden Drive that are proposed to be 1 foot off the property line. These are not signage elements; rather, they are decorative architectural elements.
- Deviation for sign quantity defined by LDC Section 33-385 (a) for two (2) separate directional signs versus the single "V-style" sign previously proposed. The proposal does not increase the allowable sign area, but provides for two "separate" directional signs that are requested due to the improvements made to the public bus stop along US 41.

Location: The property is located at 22900 Lyden Drive. The applicant indicates the STRAP numbers are 04-47-25-35-0000A00CO and 04-47-25-35-0000A.00EO

PUBLIC INFORMATION MEETING

A Public Information Meeting was held at the Design Review Board on September 23, 2015. The Design Review Board approved the sign design at its October 15, 2015 meeting. A Public information meeting was held at the Planning and Zoning Board on September 22, 2015.

STAFF ANALYSIS

The applicant wishes to construct two, single face, ground mounted signs, one each facing northbound and southbound on US 41 located 10 feet from the US 41 property line. These would replace a previously approved single ground mounted sign with an approved 5 foot setback.

Setback Request:

In ADD2014-00190 (approved November, 2014) a single ground mounted sign was permitted to be located 5 feet from the property line along US 41. The Minutes of this Public Meeting indicate that the former Estero Design Review Committee (EDRC) supported the deviation to move the sign closer (to 5 feet) to the property line and to redesign the buffer in the general location of this sign to better integrate both.

The applicant believes the proposed design of the new signage and differing relationship to the redesigned buffer will work better with a ten foot (10') setback than the previously approved five foot (5') setback.

Number of Signs:

Regarding the request for the number of signs, recent construction of a public bus stop, immediately in front of and nearly in the middle of the site's frontage on US 41, has resulted in difficulty locating the single sign to achieve appropriate visibility for the traveling public.

The applicant believes that a single two sided sign will not work in relationship to this bus stop due to the limited frontage this project has on US 41. Whether the sign is placed to the north or south of the bus stop, the bus stop improvements (most notably the railings) obstruct visibility from the opposing direction of traffic. If the sign is placed directly behind the bus stop to allow for visibility, the bus stop itself could detract from the visibility of the monument.

The applicant proposes to take the previously designed "V-shaped" sign and to split it into two parts; one sign directional to the north of the bus stop and one sign that is directional to the south. This will afford the appropriate visibility and architectural design relationships of the signs purpose without adding any actual sign area.

In review of this application, staff has visited this site including driving US 41 in both directions. The speed limit of US 41 in this area is 50 miles per hour. Southbound travelers on US 41 first encounter the entrance of Marsh Landing at the intersection of Marsh Landing Boulevard with the entrance feature and landscaping. Continuing south on US 41, is the bus stop with railings. Finally, the traveler passes the property.

Northbound travelers on US 41 first encounter the signalized intersection with US 41 and Vandenberg Way, which is the intersection to be used to access the development. Passing this intersection the traveler finds a landscaped median blocking the view of the development. Finally, the traveler encounters the intersection of US 41 and Marsh Landing Boulevard.

Recommendation:

At its October 14, 2015 meeting, the Design Review Board approved the sign design and encouraged the Planning and Zoning Board to approve the deviations. The sign is architecturally designed to integrate with the project and does not increase the allowable sign area. Conditions and findings are contained in the draft Planning and Zoning Board Resolution.

Regarding the setback, a lesser setback was already approved, so staff does not object to the 10 foot setback.

In regards to the additional sign, there are some extenuating and challenging circumstances with the subsequent location and construction of the bus stop which obscures visibility. However staff is concerned that the request could create a precedent for other properties.

It should be noted that this request is for a deviation from a Planned Development zoning, not a variance, which is a stricter standard of hardship that does not apply to a deviation. If the Planning and Zoning Board wishes to approve this request, staff suggests that Condition 5 of the attached Planning and Zoning Board resolution be modified to state "The deviation for the signage is approved as limited to the size and height shown on exhibit B".

47 **WHEREAS**, the applicant desires to be allowed two, single faced, ground
48 mounted signs along US 41 setback 10 feet from the property line; and
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50 **WHEREAS**, the Design Review Board approved the sign design on August 26,
51 2015 and recommended that the Planning and Zoning Board approve the requests; and
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53 **WHEREAS**, under the provisions of Ordinance No. 2015-01 of the Village of
54 Estero, the Planning and Zoning Board has been delegated the authority to make
55 determinations with respect to all applications for administrative actions; and
56

57 **WHEREAS**, the following findings of fact are offered:
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- 59 1. The proposed setback deviation does not increase density or intensity
60 within the development and can be approved; and
61
- 62 2. The proposed additional sign could create a precedent for other
63 properties and should not be approved;
64
- 65 3. The Planning and Zoning Board has taken this action at a duly
66 constituted public hearing after due public notice.
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68 **NOW, THEREFORE, IT IS HEREBY DETERMINED** that the application for
69 administrative approval for the set back is APPROVED, subject to the following
70 conditions and the additional sign request is DENIED:
71

- 72 1. The terms and conditions of the original Zoning Resolution remain in full force.
73
- 74 2. The deviation for setback is approved, provided the signage is in substantial
75 compliance with the attached exhibit "B".
76
- 77 3. Setbacks are approved as shown on the sign plan for 10 feet from the property
78 line, and 1 foot for the two decorative columns.
79
- 80 4. If it is determined that inaccurate or misleading information was provided to staff
81 or the Planning and Zoning Board or if this decision does not comply with the
82 LDC when rendered, then, at any time, the Planning and Zoning Board may issue
83 a modified decision that complies with the Code or revoke the decision. If the
84 approval is revoked, the applicant may acquire the necessary approvals by filing
85 an application for public hearing in accordance with Chapter 34.
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- 87 5. The additional sign is not approved.
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PASSED AND DULY ADOPTED this 17th day of November, 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 ___
Ryan Binkowski	Yes ___	No ___
David Crawford	Yes ___	No ___
Ned Dewhirst	Yes ___	No ___
Marlene Naratil	Yes ___	No ___
Jeff Maas	Yes ___	No ___
Scotty Wood	Yes ___	No ___

Exhibits

- A. Legal Description
- B. Sign Plan

EXHIBIT A

LEGAL DESCRIPTION

A PORTION OF OUTPARCEL C-D AND A PORTION OF OUTPARCEL E, BLOCK "A", COCONUT TRACE, A SUBDIVISION, LOCATED IN SECTION 09, RANGE 47 EAST, TOWNSHIP 25 SOUTH, ACCORDING TO THE PLAT THEREOF ON FILE AND RECORDED AS INSTRUMENT NUMBER 2006000423660, OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA

STRAP NO

04-47-25-35-0000A.00C0

04-47-25-35-0000A.00E0

APPROVED
ADD2014-00190
Chick Jakacki, Planner
Lee Co Division of Zoning
10/22/2014

Exhibit B



PROPOSED GROUND MOUNTED MONUMENT STYLE SIGNS THAT DEVIATE FROM THE LEE COUNTY LDC

The proposed dual bookend style monument signs are similar to original design, but are merely split in two. The need to push the proposed signs apart into two separate signs is necessary due to the advent of the Public Bus Stop. Setback deviation for new signs increased to ten feet (10') versus the five feet (5') previously granted. The Entry Columns remain at a one foot (1') setback, but do not contain any signage.

Figure 1: PROPOSED TWO (2) DIRECTIONAL GROUND MOUNTED MONUMENT STYLE SIGNS

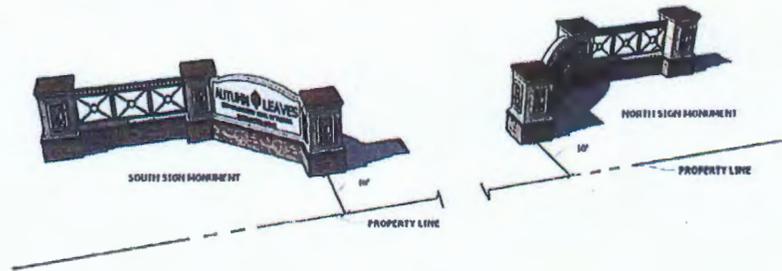
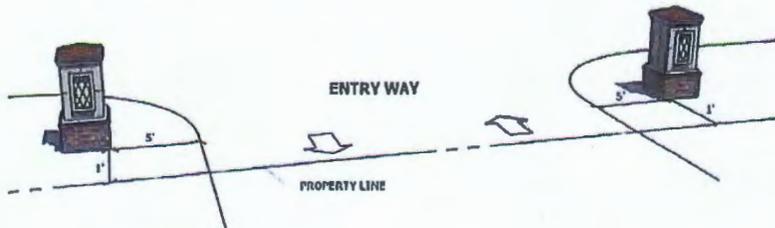


Figure 2: PROPOSED ENTRY COLUMNS (No Signage)



Note: See Exhibit-B for Site Plan