



## VILLAGE OF ESTERO ZONING STAFF REPORT

**CASE TYPE: PLANNED DEVELOPMENT/REZONING**  
**CASE NAME: ESTERO WAS**  
**CASE NUMBER: DCI2015-00016**  
**PLANNING & ZONING BOARD DATE: DECEMBER 15, 2015**

### **REQUEST AND STAFF RECOMMENDATION**

The applicant is requesting to rezone a 1.36 acre property on the west side of US 41, south of Pelican Sound Drive from a Mixed Use Planned Development to Commercial Planned Development. The applicant desires to develop up to 15,000 square feet of commercial uses, including fast food. As further outlined in this report, staff recommends approval with conditions.

### **APPLICATION SUMMARY**

**Applicant:** Estero WAS Partners LP in reference to Estero WAS Minor CPD

**Request:** Rezone 1.36 acres from Mixed Use Planned Development, MPD to Commercial Planned Development, CPD to allow development of up to 15,000 square feet of total floor area, including fast food.

**Location:** The subject property is located at 21700 S. Tamiami Trail, Village of Estero, FL. The applicant indicates the STRAP number is: 33-46-25-E3-28001.0000

### **PUBLIC INFORMATION MEETING**

The public information meeting for this application was held at the Planning and Zoning Board on Tuesday, July 21, 2015.

### **PROJECT HISTORY**

This 1.36 acre parcel was a part of the larger Camargo Trust MPD zoning granted in June, 1998 (Resolution Z-98-029). That approval granted a rezoning from Agricultural District, AG-2 to Mixed Use Planned Development, MPD. The approval allowed for the development of a maximum of 300,000 square feet of commercial uses. Of the 300,000 square feet, not more than 100,000 square feet could be retail commercial use which uses were also limited to a location south of Pelican Sound Drive. Certain uses were limited to specific parcels.

### **Subsequent Actions**

- **ADD2003-00184** – Approval for a temporary real estate sales office.
- **Resolution Number Z-04-068** – The Master Concept Plan for a portion of the development was vacated when no development occurred. This action approved a new Master Concept Plan and development intensity for the lands north and south of Pelican Sound Drive, between US 41 and the Pelican Sound residential development. It was as part of this action that development intensity for the individual commercial parcels was established. The subject property was identified as Parcel 1 with a maximum intensity of 15,000 square feet of various commercial uses.

- **SEZ2005-00007** was approved in August, 2005 permitting an increase from 8 to 16 gas pumps for a convenience food and beverage store.
- **ADD2005-00157** was approved in December, 2015 allowing a setback variance from 15 feet to 5 feet.
- **Resolution Number Z-06-011** was approved in August 2006, adopting a new Master Concept Plan for a 10.95 acre portion of the development, located north of Pelican Sound Drive and West of US 41. This allowed development of 125,000 square feet of commercial, or 27 multiple family units and 100,000 square feet of commercial.
- **ADD2006-00224** amended the MPD to re-allocate open space and acreage within the commercial portion of the development. The parcel involved with the subject application for rezoning by Estero WAS was identified as parcel B-1 on the MCP for this amendment. This parcel was required to provide 0.43 of an acre of open space for the overall development.
- **ADD2007-00155** amended the MPD to add the use of Business Services, Group II to the Schedule of Uses for the planned development.
- **ADD2014-00147** amended the MPD to add the use of Animal Clinic to the Schedule of Uses.

### **SURROUNDING ZONING**

To the north, south, and west of this parcel is Mixed Planned Development (MPD) zoning. This is the same zoning action as discussed above in the Zoning History. Developed to the west of this property is a commercial shopping center, and also the Meadows of Estero Condominiums.

To the east of US 41 is MPD zoning and a Development of Regional Impact (DRI) for North Point. Currently, the property is vacant but the development is permitted up to 550,000 square feet of retail use; 120,000 square feet of office use; 150 hotel/motel rooms; and 150 residential units. There are current applications for amendments to the planned development and DRI.

### **MASTER CONCEPT PLAN (MCP), DEVIATION, AND PROPERTY DEVELOPMENT REGULATIONS**

The site plan depicts an area fronting on US 41 as the proposed building area. Total proposed floor area is 15,000 square feet, which could consist of one or multiple tenants. The maximum height is 45 feet. There is a proposed drive-thru area on the south side of this building with stacking for 10 cars. Off-street parking is shown behind (to the west) of the building.

The buffer along US 41 and Pelican Sound Drive consists of a 20 foot wide Type "D" buffer. The buffer on the west and south sides of the property is a 5 foot wide Type "A" buffer.

Access to the development is shown from the reverse frontage road and driveway connection to the parking lot to the south.

The previously approved Schedule of Uses includes a variety of commercial uses, retail, restaurants, professional and medical offices, clubs, restaurants, personal services, health care facilities, rental and leasing services, and commercial schools. The proposed new Schedule of Uses includes these uses, and adds fast food restaurants to this parcel (Parcel 1).

There is one deviation requested to reduce the required parking by 5%.

### **DEVIATION REQUEST**

There is one deviation for a 5% reduction in the required off-street parking requirements based on the location of the property and the bicycle and pedestrian facilities identified on the Bikeways/Walkways Facility Plan, Map 3D of the Village's Transitional Comprehensive Plan. LDC Section 34-2020(c) provides a parking reduction may be administratively approved if one or more of the listed conditions are met. LDC Section 34-2020(c)(3) is one condition that states:

(3) *Bicycle and pedestrian facilities and amenities.* The minimum required parking for a use may be reduced by five percent if bicycle and pedestrian facilities, identified on the Bikeways/Walkways Facility Plan - Planned Facilities and Existing Facilities, Map 3D-1 or Map 3D-2 of the Lee Plan, are located in the right-of-way adjacent to the property or on the property; a continuous bicycle path and pedestrian accommodations, consistent with section 10-610, are provided internal to the project from the bicycle/pedestrian facility to the primary entrance of the building; and, bicycle racks are provided on-site consistent with section 10-610(e)(3).

This request should be handled at the time of local development order approval, when the uses that may occupy the site will be known, the number of parking spaces to be provided will be calculated and 5% reduction can be determined. Also although fronting on US 41 where a facility is shown, the MCP does not show the required bicycle path and pedestrian accommodation to the primary entrance of the building or that bicycle racks will be provided on-site. Since this is a planned development zoning with a conceptual MCP, the applicant should wait until it pursues the local development order application in order to demonstrate compliance with the Code to receive this reduction. The Design Review Board will review this development order application and could allow for the reduction at that time.

### **STAFF ANALYSIS**

The subject property is designated as Suburban on the Future Land Use Map of the Village's Transitional Comprehensive Plan. The following policy describes this Future Land Use category.

**POLICY 1.1.5:** The Suburban areas are or will be predominantly residential areas that are either on the fringe of the Central Urban or Urban Community areas or in areas where it is appropriate to protect existing or emerging residential neighborhoods. These areas provide housing near the more urban areas but do not provide the full mix of land uses typical of urban areas. The standard residential densities are the same as the Urban Community category. Higher densities, commercial development greater than neighborhood centers, and industrial land uses are not permitted. Bonus densities are not allowed. (Amended by Ordinance No. 94-30)

The commercial development proposes uses and development intensity consistent with this Policy of the comprehensive plan. The development is contiguous to other commercial development. Lee County Utilities has sufficient capacity to serve the project. Interconnections have been provided to the adjoining commercial development.

**POLICY 6.1.1:** All applications for commercial development will be reviewed and evaluated as to:

- a. Traffic and access impacts (rezoning and development orders);
- b. Landscaping and detailed site planning (development orders);
- c. Screening and buffering (planned development rezoning and development orders);
- d. Availability and adequacy of services and facilities (rezoning and development orders);
- e. Impact on adjacent land uses and surrounding neighborhoods (rezoning);
- f. Proximity to other similar centers (rezoning); and
- g. Environmental considerations (rezoning and development orders).

(Amended by Ordinance No. 00-22)

This request includes the addition of the Restaurant, Fast Food use which was previously approved in the larger mixed use planned development zoning but was limited to Parcel 2 and Parcel 5 which were internal to the subdivision. Parcel 5 has developed with a Chick-fil-A Restaurant.

The new request to add fast food would be on Parcel 1 which is located at the corner of Pelican Sound Drive and US 41, the entrance to the Pelican Sound residential community. This use was specifically excluded in the past on this parcel (in 2004 it was approved only for Parcel 2 or 5).

In 2009 the Land Development Code was amended to provide enhanced buffers for fast food restaurants and gas stations (Land Development Code Section 34-1353).

Because the buffer requirement is now stricter, the staff is recommending approval of the addition of a fast food use with the understanding the existing buffer would need to be supplemented if a fast food restaurant were located on the property. Some other uses that were previously approved on the larger parcel are now recommended for deletion by staff as they are not appropriate for this smaller 1 acre site.

Policy 6.1.2 of the comprehensive plan provides for the location criteria for commercial development. Resolution Number Z-04-068 (adopted on November 29, 2004) found the commercial uses and intensity of development proposed in the Camargo MPD between Pelican Sound Drive and Williams Road was consistent with the comprehensive plan and with the location standards in this Policy of the comprehensive plan. The proposal for 15,000 square feet of commercial use remains consistent with this Policy. The property has connection to Pelican Colony Drive.

#### Environmental

The subject parcel is a previously cleared site, with no protected species found during an onsite inspection by Lee County staff on July 10, 2015.

The existing open space required for the MPD exceeds the amount required for the original acreage. The removal of the 1.36 acres of land will have no negative effect to the open space for the overall existing MPD.

The subject parcel being rezoned to CPD will be required to meet the Land Development Code (LDC) requirement of 20% open space for a small commercial project.

The buffers are existing and meet the LDC. If a Fast Food Restaurant is developed or becomes a use on the site, then as required by LDC Section 34-1353 and within the Schedule of Uses, increased buffers will be required.

#### Transportation

See attachment for complete report.

The 1.36-acre subject site is located on the west side of US 41/South Tamiami Trail between Williams Road and Pelican Sound Drive in the Village of Estero. Access to the site is shown indirectly to Pelican Sound Drive and US 41 via two internal connections to the Paradise Shoppes of Estero development which borders the site to the south and west.

Based on the 2014 Lee County Concurrency Report, the section of US 41 adjacent to the site currently operates at Level of Service (LOS) "B". Utilizing the 2014 Lee County Traffic Count Report and a five-year project build-out of 2020, the background traffic volume on US 41 was estimated to be 2,651 peak hour, peak direction trips, corresponding to a LOS "B". Once the project build-out traffic was added to this roadway section, US 41 was estimated to operate at LOS "B". Based on the LOS Standards set forth in the Transitional Comprehensive Plan, LOS "B" is an acceptable Level of Service.

#### Findings and Conclusions

Findings of fact must be made to support a recommendation. Based upon an analysis of the application and its impacts, staff recommends the following findings and conclusions:

- a) The requested CPD zoning, as conditioned, complies with the Land Development Code and Comprehensive Plan.
- b) The requested CPD zoning, as conditioned, is consistent with the general Suburban uses set forth in the Comprehensive Plan.
- c) The requested CPD zoning, as conditioned, is compatible with existing or planned uses in the surrounding area.
- d) Approval of the requested CPD zoning 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.
- e) The subject property does not have any environmentally critical areas and natural resources that will be adversely impacted by approval of the zoning.
- f) Urban services are available and adequate to serve the proposed land uses.
- g) The deviation request is premature and should be denied without prejudice to consideration at the time of development order review.

#### ATTACHMENTS:

- A. Maps: surrounding zoning, future land use and aerial photograph
- B. Recommended Conditions and Deviations
- C. Master Concept Plan
- D. Minutes from Village of Estero Planning and Zoning Board Meeting of July 21, 2015
- E. Environmental comments
- F. Transportation comments
- G. Letter from Lee County Utilities
- H. Legal Description

**ATTACHMENT B:**

A. Conditions:

1. Master Concept Plan/Development Parameters  
The development of this project must be consistent with the one page Master Concept Plan entitled "Estero WAS Minor CPD," stamped received August 18, 2015, except as modified by the conditions below.  
  
The development is limited to a maximum of 15,000 square feet of total floor area.  
  
This development must comply with all requirements of the Land Development Code (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.
2. Uses and Site Development Regulations  
The following limits apply to the project and uses:
  - a. Schedule of Uses  
The approved Schedule of Uses for this planning development is found in Exhibit A
  - b. Site Development Regulations  
The approved Property Development Regulations are found in Exhibit B.
3. Open Space  
As committed to on the Master Concept Plan, the minimum required open space is 0.27 acres.
4. Buffer  
If a fast food restaurant is constructed, the existing buffer will need to be enhanced to meet the standards of LDC Section 34-1353.
5. Vehicular/Pedestrian Impacts  
Approval of this zoning request does not address mitigation of the project's vehicular or pedestrian traffic impacts. Additional conditions consistent with the LDC may be required to obtain a local development order.
6. Comprehensive Plan Consistency  
Approval of this zoning request does not guarantee local development order approval. Future development order approvals must satisfy any requirements of the Comprehensive 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 Comprehensive Plan provisions.
7. Concurrency  
Approval of this rezoning does not constitute a finding that the proposed project meets the concurrency requirements set forth in LDC Chapter 2 and the

Comprehensive Plan. The developer is required to demonstrate compliance with all concurrency requirements prior to issuance of a local development order.

8. Solid Waste Management

As part of any local development order approval for vertical development, the development order plans must include facilities in compliance with LDC Section 10-261 and Solid Waste Ordinance #11-27 for the pick-up/disposal of solid waste and recyclables. The minimum area required for, and specific locations of, these facilities will be reviewed at the time of local development order application.

B. Deviation

A request to deviate from the Village of Estero Transitional Land Development Code (LDC) Section 34-2020(b), parking requirements for non-residential uses to allow a 5% reduction to required parking spaces based on the provision of a continuous for bicycle and pedestrian facilities identified on the Bikeways/Walkways Facility Plan, pursuant to LDC Section 34-2020(c)(3).

Recommendation: The applicant should consider withdrawing this request as it can be reviewed at the time of local development order application. Otherwise, the deviation is recommended for denial because there is insufficient information at this time to justify the request.

EXHIBITS:

- A. Schedule of Uses
- B. Property Development Regulations

**EXHIBIT A:**

**Schedule of Uses**

Accessory Uses and Structures (See Note 1 below)  
Administrative Offices  
Animals: Clinic (with outdoor pens/kennels, enclosures, and dog runs prohibited)  
ATM (automatic teller machine)  
Auto Parts Store – without installation facilities  
Banks and Financial Establishments: Groups I and II  
Boat Parts Store, without installation  
Broadcast Studios  
Business Services, Group I  
Clothing Stores, general  
Clubs:  
    Commercial  
    Fraternal, membership organization  
    Private  
Computer and Data Processing Services  
Consumption on Premises (LDC Section 34-1261 et seq.) Indoor only (in conjunction with restaurants)  
Cultural Facilities  
Day Care Center, Child, Adult  
Drive-through Facility for any Permitted Use  
~~Entrance Gates and Gatehouse~~  
Essential Services  
Essential Service Facilities, Group I  
~~Excavation: Water retention~~  
~~Fences, Walls~~  
~~Food and Beverage Service, Limited~~  
Food Stores: Group I  
Hardware store (limited to a maximum of 10,000 square feet)  
Health Care Facilities: Groups I, II and III  
Hobby, Toy and Game Store  
Household and Office Furnishings, Groups I and II (Household use as limited by the LDC and Office use is limited to businesses like Kinko's, Office Depot, Office Max or other like business. Large newspaper printing facilities are prohibited.)  
Insurance Companies  
Laundry or Dry Cleaning: Group I  
Lawn and Garden Supply Stores  
Library  
Medical Office  
Nonstore Retailers, all groups  
Package Store (~~In conjunction with a multiple-use occupancy complex only; free-standing stores are prohibited~~)  
Paint, Glass and Wallpaper  
Parks: Groups I and II  
~~Parking Lot: Accessory (see Note 1 below)~~

~~Garage, public parking~~  
Temporary

Personal Services:

Group I, limited to – ATM's

Barbershops and Beauty Shop  
Clothing Alterations and Repair including Dressmakers,  
Seamstresses and Tailors  
Laundry Agents (wherein the establishment may do its own  
Pressing and finish work but not the laundering or dry  
Cleaning which is performed elsewhere)  
Photo Agents (wherein drop-off and pickup film services are  
provided but the actual processing and developing is  
done elsewhere)  
Shoe Repair Services (wherein shoe repair or shoe shining  
for Individual customers is performed)

Group II, limited to - Beauty spas

Health clubs or spas  
Reducing or slenderizing salons  
Steam or Turkish baths

Group III, limited to -Artificial limbs

Crutches  
Hearing aids .  
Hospital beds  
Optical supplies  
Orthopedic supplies  
Wheelchairs

Pet Services (outdoor pens, enclosures, and dog runs are prohibited)

Pet Shop (outdoor pens, enclosures, and dog runs are prohibited)

Pharmacy

Post Office

Real Estate Sales Office

Recreational Facilities: Commercial: ~~Groups II and IV~~ Health Club only

Religious Facilities

Rental or Leasing Establishment (All storage must be indoor and outdoor display is prohibited):

Group I, limited to - Beach chairs, umbrellas, and similar facilities

Bicycles

~~Moped and scooters~~

~~Passenger care pickup and drop off (no maintenance or  
repairs and limited storage)~~

Group II, limited to - Appliances

Bicycles

Costumes

Furniture

Garden equipment

Movies, videotapes and similar home entertainment

Party and banquet supplies

Tools and equipment primarily for home use

Repair Shops: Groups # I and II

Research and Development Laboratories: Groups II and IV

Restaurant, Fast Food (subject to LDC Section 34-1353 if stand alone)

Restaurants: Groups I, II and III

Schools: Commercial

Signs in accordance with LDC Chapter 30

Social Services: Group I

Specialty Retail Shops: Groups I, II, III and IV (no outdoor storage or display permitted)

Studios

~~Temporary Uses (limited solely to temporary contractor's office and storage shed)~~

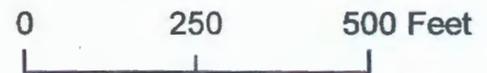
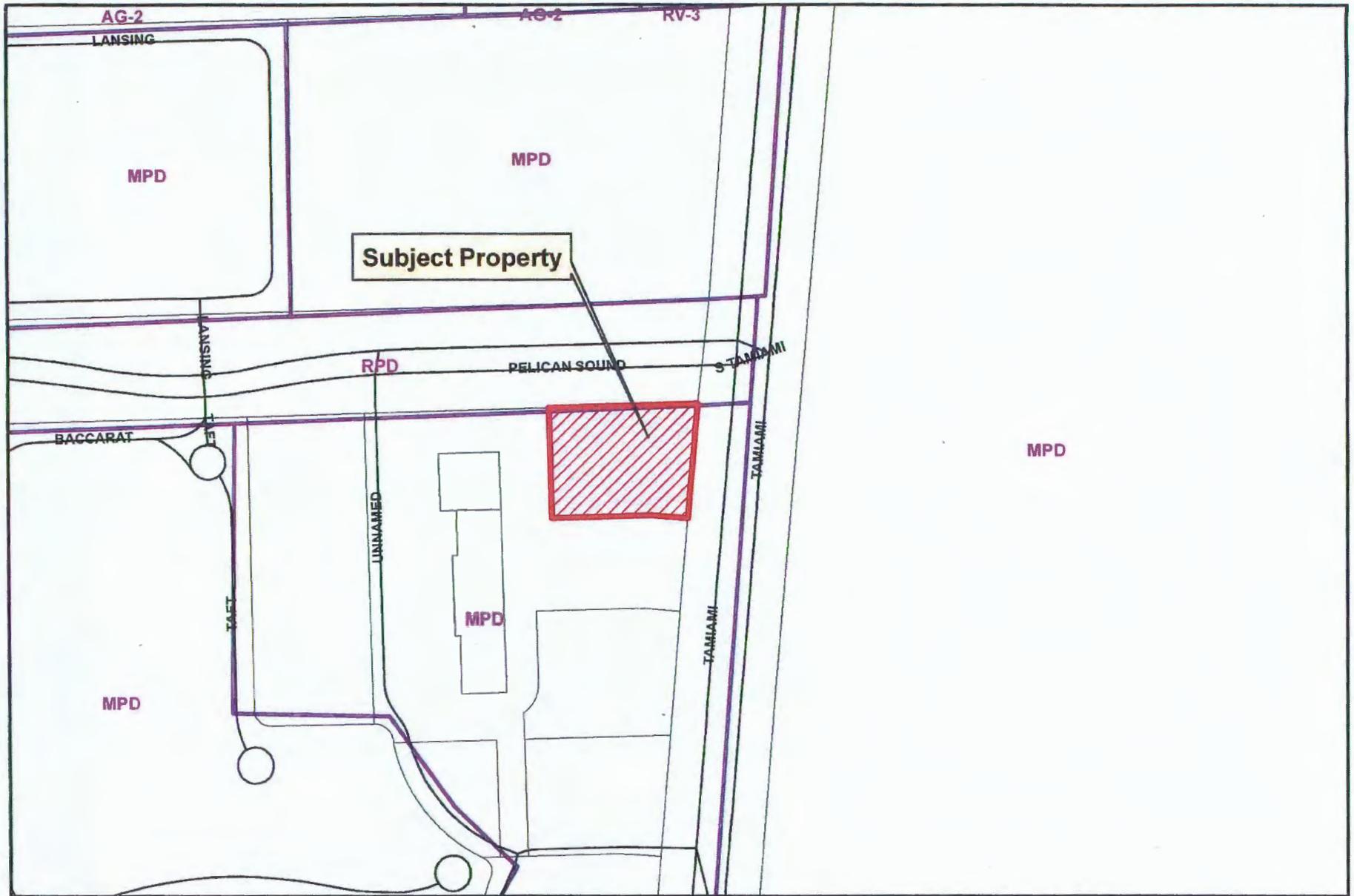
Used Merchandise Stores: Groups I and II

Variety Store

Wholesale Establishments: Group III

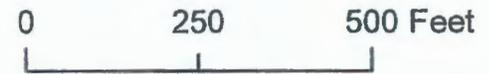
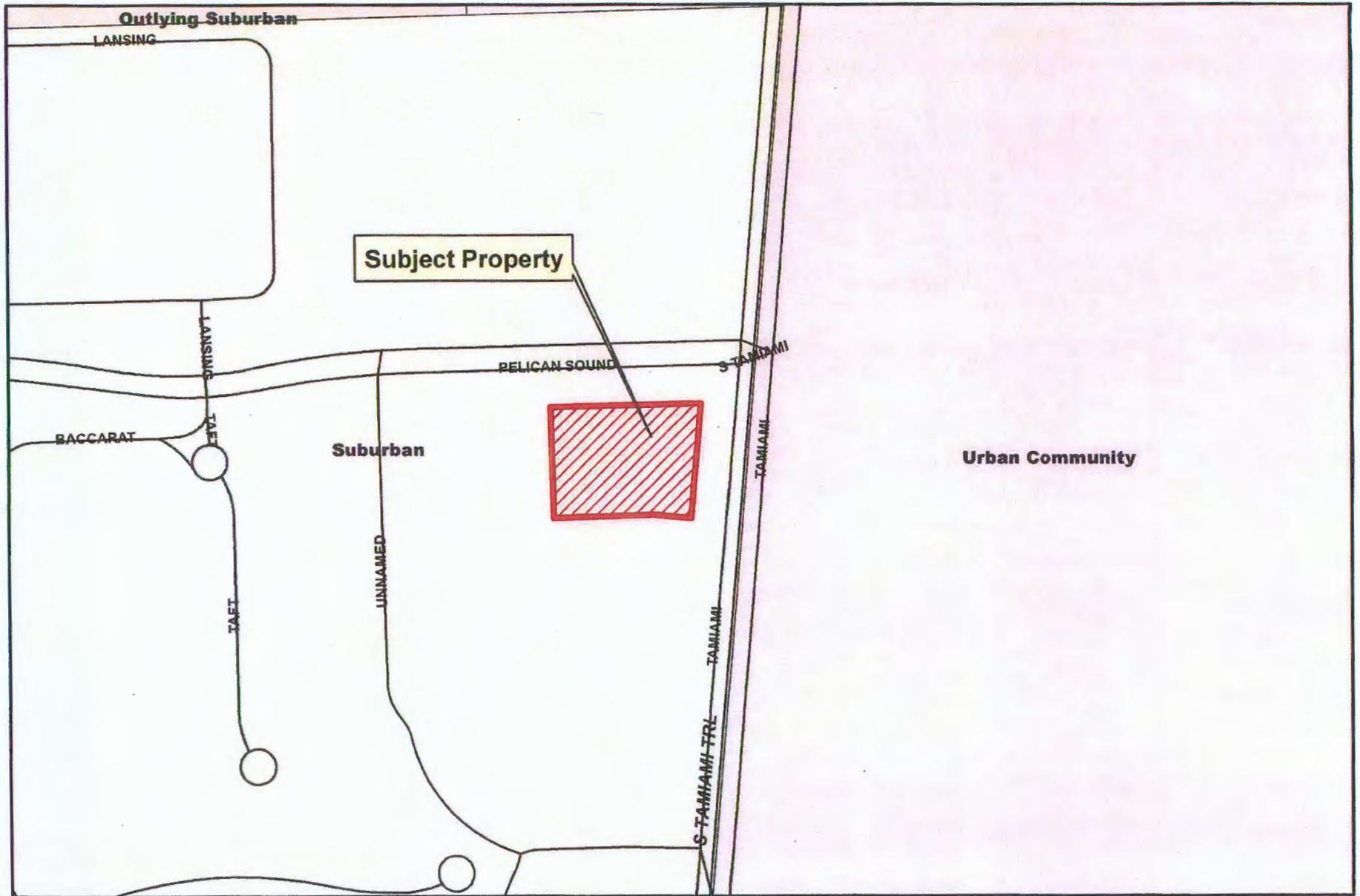
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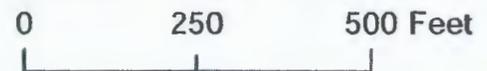
ATTACHMENT A



DCI2015-00016

Future Land Use Map







Professional Engineers, Planners & Land Surveyors

## **Estero WAS Minor CPD**

**DCI2015-00016**

### **Property Development Regulations**

#### **Minimum Lot Area and Dimensions:**

<b>Area:</b>	<b>1.36 acres</b>
<b>Width:</b>	<b>190 feet</b>
<b>Depth:</b>	<b>270 feet</b>

#### **Minimum Setbacks:**

<b>Street:</b>	<b>25 feet</b>
<b>Side:</b>	<b>15 feet</b>
<b>Rear:</b>	<b>20 feet</b>

Accessory Use and Structure setbacks must comply with LDC Section 34-1171 et seq. and 34-2194.

Maximum Lot Coverage: 60 percent

Maximum Building Height: 45 feet

Minimum Building Separation: Minimum building separation is the greater of either the minimum required setbacks or one-half the sum of the height of the buildings. (LDC Section 34-935(e)(4))

**RECEIVED**  
AUG. 18 2015  
COMMUNITY DEVELOPMENT  
DCI 2015-00016

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6. Comprehensive Plan Consistency  
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Boat Parts Store, without installation  
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Business Services, Group I  
Clothing Stores, general  
Clubs:  
    Commercial  
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Day Care Center, Child, Adult  
Drive-through Facility for any Permitted Use  
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Essential Service Facilities, Group I  
~~Excavation: Water retention~~  
~~Fences, Walls~~  
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Health Care Facilities: Groups I, II and III  
Hobby, Toy and Game Store  
Household and Office Furnishings, Groups I and II (Household use as limited by the LDC and Office use is limited to businesses like Kinko's, Office Depot, Office Max or other like business. Large newspaper printing facilities are prohibited.)  
Insurance Companies  
Laundry or Dry Cleaning: Group I  
Lawn and Garden Supply Stores  
Library  
Medical Office  
Nonstore Retailers, all groups  
Package Store (~~In conjunction with a multiple-use occupancy complex only; free-standing stores are prohibited~~)  
Paint, Glass and Wallpaper  
Parks: Groups I and II  
~~Parking Lot: Accessory (see Note 1 below)~~

Garden equipment  
Movies, videotapes and similar home entertainment  
Party and banquet supplies  
Tools and equipment primarily for home use  
Repair Shops: Groups # I and II  
Research and Development Laboratories: Groups II and IV  
Restaurant, Fast Food (subject to LDC Section 34-1353 if stand alone)  
Restaurants: Groups I, II and III  
Schools: Commercial  
Signs in accordance with LDC Chapter 30  
Social Services: Group I  
Specialty Retail Shops: Groups I, II, III and IV (no outdoor storage or display permitted)  
Studios  
~~Temporary Uses (limited solely to temporary contractor's office and storage shed)~~  
Used Merchandise Stores: Groups I and II  
Variety Store  
Wholesale Establishments: Group III

Note 1: All accessory uses, ~~including accessory parking~~, must be located on the same tract, parcel, outparcel, or lot where a principal use is located. Accessory uses must be incidental and subordinate to the principal use of the tract, parcel, outparcel, or lot.



**VILLAGE OF ESTERO PLANNING AND ZONING BOARD  
MEETING OF JULY 21, 2015**

The Village of Estero Planning and Zoning Board meeting was held on this date at the Estero Fire Rescue District Meeting Room, 21500 Three Oaks Parkway, Estero, Florida.

Present: Chairman Roger Strelow, and Board Members Ryan Binkowski, David Crawford, Ned Dewhirst, Jeff Maas, Marlene Ann Naratil, and Scotty Wood.

Also present: Nancy Stroud, Esq., Community Development Director Mary Gibbs, and Village Clerk Kathy Hall.

**1. CALL TO ORDER**

Chairman Strelow called the meeting to order at 5:30 p.m.

**2. PLEDGE OF ALLEGIANCE**

Chairman Strelow led the Pledge of Allegiance.

**3. ROLL CALL**

Village Clerk Kathy Hall called the roll; all members were present.

**4. APPROVAL OF AGENDA**

Board Member Crawford moved approval of the agenda, seconded by Board Member Binkowski, called and carried unanimously.

**5. BOARD BUSINESS**

**(A) Approval of June 16, 2015 Meeting Minutes**

Board Member Naratil moved approval of the June 26, 2015 minutes as presented, seconded by Board Member Binkowski, called and carried unanimously.

**6. ACTION ITEMS**

Audience members wishing to provide testimony regarding the action items were sworn in by the Village Clerk.

**(A) Corkscrew Village Commercial Planned Development – US 41 and Corkscrew Road (District 5) - ADD2015-00088 Amendment for proposed Publix Liquor Store**

Chairman Strelow asked the Board Members to disclose ex parte contacts or conflicts of interest and there were none.

Derek Rooney, Attorney, GrayRobinson, P.A., explained that the applicant was seeking two administrative amendments to the Corkscrew Village CPD: adding the use of package store to the schedule of uses and adding a deviation from LDC Section 34-1263(e), to reduce the separation of 500 feet between a package store or other establishment primarily engaged in the retail sale of liquor for off-site consumption and a religious facility, to 371.85 feet. Mr. Rooney stated that the entrance to the proposed location of the package store and the closest property line of the Happehatchee Center, designated as a religious facility by a county zoning letter, was

371.85 feet. He indicated that the store hours would be 10:00 a.m. to 9:00 p.m. Monday through Saturday and 10:00 a.m. to 8:00 p.m. Sunday.

Board Member Naratil noted that, upon a site visit, it appeared that the Happehatchee Center was much greater than 500 feet from the proposed package store. Brief discussion followed.

Chairman Strelow called for public comment and no one came forward.

Community Development Director Mary Gibbs added that when the application initially came in, it was just for the package store; however, in reviewing the 500 foot requirement and the County zoning verification letter regarding the Happehatchee Center, the deviation was added to the application even though there was a separation by Corkscrew Road. Brief discussion ensued.

Board Member Crawford moved approval of Resolution No. PZB 2015-03 with conditions, seconded by Board Member Binkowski, called and carried unanimously.

**(B) Legacy Church – Corkscrew Road (District 4) - ADD2015-00098 Minor Administrative Amendment to add Place of Worship to approved commercial uses in existing commercial office park**

Stacy Ellis Hewitt, Banks Engineering, explained that the applicant was seeking an administrative amendment to a CPD to add the use of Place of Worship. She noted that, due to parking discussions at the June 30, 2015 Public Information Workshop, they were in agreement with a condition that no worship services may be scheduled between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday.

Community Development Director Mary Gibbs added that due to the questions that came up, she wanted to make certain that the parking calculations were correct and there was sufficient parking, and even with the church use, the parking calculation was adequate.

Board Member Naratil noted that there was a Legacy Church set up in a shopping center on Estero Parkway across from the new Walmart and inquired whether they were going to keep both facilities. Pastor Nolen Rollins responded the church was moving to the new location.

Chairman Strelow asked the Board Members to disclose ex parte contacts or conflicts of interest and there were none.

Chairman Strelow called for public comment and no one came forward.

Board Member Wood moved approval of Resolution No. PZB 2015-04 with conditions, seconded by Board Member Naratil, called and carried unanimously.

## **7. PUBLIC INFORMATION MEETINGS**

### **(A) Estero United Methodist – US 41 at Lords Way Street (District 4) - Seasonal Farmers Market on Saturdays from November 7, 2015 through April 30, 2016 – TMP2015-00197**

Dennis Strausbaugh, SW Florida Markets, LLC, explained that the application was for a farmer's market on the Estero United Methodist property to be held on Saturdays from 8:00 a.m. until 1:00 p.m., November 7, 2015 through April 30, 2015. Mr. Strausbaugh noted that he held farmer's markets at this site last year.

Board Members Maas, Naratil, Wood and Binkowski made inquiries and Mr. Strausbaugh provided responses regarding temporary toilet facilities; cleanup responsibilities; types of vendors participating; insurance coverage; and live music.

Chairman Strelow called for public comment and no one came forward.

Community Development Mary Gibbs added that this was the first temporary permit submitted to the Village and was something that was handled administratively by the County. She stated that information was included in the packet regarding the rules for temporary farmers markets and noted that the Fire Department had to review these types of permits. Ms. Gibbs also noted that banner and pennant flags were not allowed in Estero. Mr. Strausbaugh added that during their season, they would have a number of inspections.

### **(B) Stanley Thrasher – 8601 Judeth Lane (District 4) - Variances for single family home**

Community Development Director Mary Gibbs described the property location and size (less than 7,000 sq. ft.) and noted that the area was zoned Agricultural; the lot did not meet the size needed for agriculture use. She continued that Mr. Thrasher also had to file for, and was approved for, a minimum use determination; if the lot was created before the rules were in place, the property owner would be entitled to build one single-family residence. Ms. Gibbs explained that Mr. Thrasher needed a variance for the roadway; the Estero Fire Rescue issued a letter with no objection, with two conditions.

Stanley Thrasher explained that the lot was non-conforming and was asking for a setback variance from 20 feet to 10 feet, as he was trying to preserve a tree on the lot. Mr. Thrasher offered to distribute some photographs of the lot; however, it was decided that it would be best if Mr. Thrasher brought them back to the meeting where the application would be on the agenda for Board approval.

Board Member Binkowski mentioned that he had driven by the property and suggested that it would be useful for other Board Members to do so as well.

Chairman Strelow called for public comment and no one came forward.

Discussion ensued regarding the property and Mr. Thrasher's plans to construct a 1420 sq ft. residence.

**(C) Volunteers of America – NE Corner of Corkscrew Road and Sandy Lane (District 4) - Rezone 21 acres from Commercial to Residential Planned Development for Continuing Care Facility with 330 beds – DCI2015-00013**

Bob Mulhere, Planning Director, Hole Montes, Inc., Consulting Firm, described the property location, which was currently zoned CPD and proposed to be changed to RPD to allow for a Continuing Care Retirement Community (CCRC).

Kevin Ahmadi, Director of Operations, Volunteers of America SW Florida, provided information regarding the organization and partnering with Greystone. He also spoke to Gulf Coast Village as well as the Estero business model.

Bob Mulhere referred to the project location and noted that there was a total of 143,000 sq. ft. approved with approximately 41,500 sq. ft. already built. He spoke to the density and noted that, under the proposal, they would be converting the undeveloped portion to a 340 bed CCRC along with accessory commercial uses, ancillary medical offices, health care facilities and recreational facilities. Mr. Mulhere addressed the traffic analysis and stated that 5-foot sidewalks would be provided along Sandy Lane and Corkscrew Road, along with pedestrian improvements throughout the site to Corkscrew Road. He also addressed six requested deviations.

Bill Prysi, Landscape Architect, spoke to the “Old Florida” Design architecture to provide an idea of the design style intended for the project. He stated that this would be a two phase project and landscaping would be designed conducive to the style of architecture, with sensitivity to the importance of buffering.

Kevin Ahmadi stated that they had reached out to the association throughout the process; three meetings were held; it was his understanding that they have some very good support for the project.

Board Members Wood, Maas, Naratil, Crawford and Binkowski made inquiries and the representatives provided responses regarding stormwater retention; building height; buffering between Corkscrew Road and internal roadways; sales of the units; water and sanitary sewer; covered parking; and security

**Public Comment:**

Patty Whitehead, Old Estero resident, inquired about old Oak trees on the property.

Staff and Board Member questions and responses from representatives followed regarding interconnection to Sandy Lane, deviations; encouragement for compact, walkable, transit supported mixed use development; residential use of the commercial amenities; and project time frame.

**(D) Estero WAS – US 41 at Pelican Sound Drive (District 2) - Rezone 1.36 acres from Mixed Use Planned Development to Commercial Planned Development to allow 15,000 sq. ft. of retail use – DCI2015-00016**

Neale Montgomery, Attorney, Pavese Law Firm, stated that the 1.36 acres was located at the corner of US 41 and Pelican Sound Drive; the request was to rezone from Mixed Use Planned Development (MPD) to Commercial Planned Development (CPD); many of the outparcels were

already developed; the residential portions were developed; and the water management system and landscape buffers were in.

Matt Noble, Planner, spoke to the existing buffers along US 41 and Pelican Sound. He stated the reason for the request to rezone from MPD to CPD was to allow 15,000 sq. ft. of commercial use; the ownership was fractured; the development schedule planned for the site could not meet the MPD threshold, and it was a commercial retail outparcel. He also stated that emphasis was to provide neighborhood retail uses that would be supported by the residents in the area. Mr. Noble referred to the proposed master concept plan and indicated that building was planned to be placed as close to the right-of-way as possible. He stated that the site plan utilizes the existing stub outs in the shopping center, and made the following points: the project would integrate with existing pedestrian and bicycle facilities; the site was deemed consistent with Estero Village Plan since 1998 and remained consistent; the site was one of the very last outparcels; they would like to reduce the parking by 5%, which was allowed in an administrative deviation, by increasing the provision of bicycle facilities; connection into surface water management system that would drain to back of property that was connected to a large stormwater detention area; and there were large distances to residential.

Ted Treesh, President, TR Transportation Consultants, Inc., spoke regarding the traffic analysis and indicated that US 41 was projected to operate at Level of Service "C" in 2020 with and without the project traffic. He stated that the access to the CPD was already set up; the intersection of US 41 and Pelican Sound was unsignalized, there was not enough traffic currently to warrant a signal; however, it has been continuously looked at for a signal. He further described access and stated that access to the center and turn lanes have been installed; no further improvements were anticipated.

Matt Noble stated that the site was allocated for 15,000 sq. ft. of commercial use in the past; however, time had passed and there had been continuing development at the site. He added that there currently was not enough retail space to accommodate the full utilization of the site and the intention was to accommodate some neighborhood-serving retail uses.

Chairman Strelow called for public comment and no one came forward.

Board Members Wood, Maas, Naratil and Binkowski, and Community Development Director Gibbs made inquiries and Mr. Noble and Ms. Montgomery provided responses regarding building height; rental rates; drive thru; schedule of uses; open space; and architectural style.

### **8. PUBLIC INPUT OF NON-AGENDA ITEMS**

None.

### **9. BOARD COMMUNICATIONS / FUTURE AGENDA ITEMS**

Chairman Strelow noted that the next meeting would be held on August 18 for a presentation from Consultant Bill Spikowski; meeting location to be determined. He reminded the Board Members that they could not write or talk among themselves and to contact the Community Development Director if they had questions. He noted that discussions were underway among Councilmembers and Village staff regarding possible educational sessions consistent with the Sunshine Law on pertinent issues related to comprehensive planning, zoning, etc.

10. ADJOURN

Board Member Crawford moved to adjourn, seconded by Board Member Wood, called and carried unanimously. Chairman Strelow adjourned the meeting at 7:16 p.m.

Respectfully submitted,

  
Kathy Hall, MMC  
Village Clerk

Minutes approved as presented: September 22, 2015

**MEMORANDUM  
FROM  
DEPARTMENT OF COMMUNITY DEVELOPMENT  
DEVELOPMENT SERVICES SECTION**

**Date:** October 15, 2015

**To:** Alvin 'Chip' Block, Principal Planner

**From:** Beth Workman, Environmental Planner  
Phone: (239) 533-8793  
E-mail: EWorkman@leegov.com

**Project:** Estero was minor CPD  
**Case:** DCI2015-00016  
**STRAP:** 33-46-25-E3-28001.0000

The Development Services staff has reviewed the proposed DCI2015-00016 application to remove 1.36 acres of the MPD and rezone the 1.36 acres to a CPD. Development Services staff offers the following analysis as it pertains to landscaping, open space, and protected species:

**VEGETATION & PROTECTED SPECIES:**

The subject parcel is a previously cleared site. No protected species were found during the onsite inspection by Susie Derheimer on July 10, 2015.

**OPEN SPACE:**

The existing open space required for the MPD exceeds the amount required for the original acreage so removing the 1.36 acres of land will have no negative effect to the open space for the overall MPD. The subject parcel being rezoned to CPD will be required to meet the Land Development Code (LDC) requirement of 20% open space for a small commercial project.

**BUFFERS:**

The buffers are existing and meet the LDC. The only change that may occur is if a Fast Food Restaurant is proposed in which case the applicant has added a note to the schedule of uses pertaining to the LDC 34-1353 that requires increased buffers for such a use.

**MEMORANDUM  
FROM THE  
DEPARTMENT OF  
COMMUNITY DEVELOPMENT  
DEVELOPMENT SERVICES SECTION**

**DATE:** October 22, 2015

**TO:** A. Block  
Senior Planner

**FROM:** M. Evans MJE  
Senior Engineer

**RE: Estero WAS Minor CPD**  
Case No. DCI2015-00016

The 1.36-acre subject site is located on the west side of US 41/South Tamiami Trail between Williams Road and Pelican Sound Drive in the Village of Estero. On the applicant's Master Concept Plan (MCP), access to the site is shown indirectly to Pelican Sound Drive and US 41 via two internal connections to the Paradise Shoppes of Estero development which borders the site to the south and west.

The site is currently undeveloped. The applicant proposes to construct a retail building as noted on the proposed MCP. Assuming full build-out with this intense use, the applicant's traffic analysis considered the future site development based on the impacts of a maximum 15,000 ft<sup>2</sup> retail building. In order to assess the traffic impacts of the proposed zoning, the Institute of Transportation Engineer's (ITE's) report, titled **Trip Generation, 9<sup>th</sup> Edition**, was reviewed and generated trips were calculated. Pass-by trip reductions were accounted for and total new trips determined. The results of the trip generation calculations are described in Table 1.

**Table 1**  
New Trip Generation

Description	AM Peak Hour			PM Peak Hour			Daily (2-way)
	In	Out	Total	In	Out	Total	
New Trips	21	13	34	57	61	118	1,385

New trips were then distributed to the surrounding road network in order to assess the Level of Service (LOS) impacts on US 41. Based on the 2014 Lee County Concurrency Report, the section of US 41 adjacent to the site currently operates at LOS "B". Utilizing the 2014 Lee County Traffic Count Report and a five-year project build-out of 2020, the background traffic volume on US 41 was estimated to be 2,651 peak hour, peak direction trips, corresponding to a LOS "B". Once the project build-out traffic was added to this roadway section, US 41 was estimated to operate at LOS "B". Based on the LOS Standards set forth in THE LEE PLAN, LOS "B" is an acceptable Level of Service. Therefore, the proposed development is consistent with the standards contained within the County's comprehensive plan.

**ATTACHMENT F**



Writer's Direct Dial Number: (239) 533-8532

John E. Manning  
District One

June 1, 2015

Cecil L. Pendergrass  
District Two

Stacy Ellis Hewitt  
Banks Engineering  
10511 Six Mile Cypress Parkway  
Fort Myers, FL 33966

Larry Kiker  
District Three

Brian Hamman  
District Four

Frank Mann  
District Five

RE: Potable Water and Wastewater Availability  
Estero Was CPD, 21700 S. Tamiami Trail  
STRAP #: 33-46-25-E3-28001.0000

Roger Desjardais  
County Manager

Dear Ms. Hewitt:

Richard Wm. Wesch  
County Attorney

The subject property is located within Lee County Utilities Future Service Area as depicted on Maps 6 and 7 of the Lee County Comprehensive Land Use Plan. Potable water and sanitary sewer lines are in operation adjacent to the property mentioned above. However, in order to provide service to the subject parcels, developer funded system enhancements such as line extensions may be required.

Donna Marie Collins  
Hearing Examiner

Your firm has indicated that this project will consist of 1 commercial unit with an estimated flow demand of approximately 2,250 gallons per day. Lee County Utilities presently has sufficient capacity to provide potable water and sanitary sewer service as estimated above.

Availability of potable water and sanitary sewer service is contingent upon final acceptance of the infrastructure to be constructed by the developer. Upon completion and final acceptance of this project, potable water service will be provided through our Pinewood Water Treatment Plant.

Sanitary sewer service will be provided by Three Oaks Wastewater Treatment Plant. The Lee County Utilities' Design Manual requires the project engineer to perform hydraulic computations to determine what impact this project will have on our existing system.

This is only a letter of availability of service and not a commitment to serve. Lee County Utilities will commit to serve only upon receipt of all appropriate connection fees, a signed request for service and/or an executed service agreement, and the approval of all State and local regulatory agencies.

Further, this letter of availability of Water and Wastewater service is for re-zoning for this project only. Individual letters of availability will be required for obtaining building permits.

Sincerely,

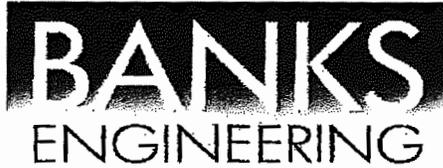
LEE COUNTY UTILITIES

Mary McCormick  
Technician Senior  
UTILITIES ENGINEERING

COMMUNITY DEVELOPMENT

VIA EMAIL

DCI 2015-00016



Professional Engineers, Planners & Land Surveyors

**Estero WAS CPD  
Legal Description**

Parcel 1, Paradise Shoppes of Estero as recorded in instrument number 2007000106415 of the public records of Lee County, Florida.

Applicant's Legal Checked  
by BSJ 7/1/15

**DCI 2015-00016**

• SERVING THE STATE OF FLORIDA •

**ATTACHMENT H**

10511 Six Mile Cypress Parkway • Suite 101 • Fort Myers, Florida 33966  
Phone 239-939-5490 • www.bankseng.com • Fax 239-939-2523  
Engineering License No. EB 6469 • Surveying License No. LB 6690