



VILLAGE OF ESTERO ZONING STAFF REPORT

CASE TYPE: ADMINISTRATIVE AMENDMENT
CASE NUMBER: ADD 2015-E001
NAME: COCONUT POINT – PINOT'S PALETTE
PLANNING & ZONING BOARD DATE: DECEMBER 15, 2015

REQUEST AND STAFF RECOMMENDATION

This is a request to add an art studio to the Schedule of Uses for tract 2C in Coconut Point for a "paint and sip" business and revise the limitation on "Consumption on Premises" in conjunction with an art studio. Staff recommends **APPROVAL** of the applicant's request to amend the Schedule of Uses and add "Consumption on Premises" with conditions.

APPLICATION SUMMARY

Applicant: Coconut Point Developers, LLC

Request: Request to amend the Schedule of Uses previously approved for Coconut Point Tract 2C. The amended use will include an art studio with a provision to allow consumption on premises.

Location: The subject property is located at 23050 Via Villagio, Suite 109, Village of Estero, FL.

The applicant indicates the STRAP number is: 04-47-25-E3-360SC.0030

PUBLIC INFORMATION WORKSHOP

The workshop for this application was held at the Planning and Zoning Board on September 22, 2015.

PROJECT HISTORY

The property is a tract (See Attachment B1) within a 482.4 acre property (known as Coconut Point) with a long zoning history. It was first rezoned from Agricultural (AG-2) to Mixed Planned Development (MPD) on October 21, 2002. The zoning for tract 2C permits 150,000 sf retail, 20,000 sf office and a 200 room hotel, not to exceed 45 feet in height/3 stories.

The site (tenant space) currently is vacant (See Attachment B2) and included in the approved Development Order DOS2004-00254. The tenant space is approximately 2,424 sf and was previously occupied by Century Link.

No open code enforcement violations are associated with the subject property as of the date of this report.

PROJECT DESCRIPTION

The proposed project will be located in the northern section of Coconut Point and along the westerly side of Tract 2C. Mediterranean Drive is located to the north and Rt.41 is located to the west of the proposed project. There are several retail/commercial tenant spaces located along the west side of Tract 2C and include; Five Guys Burger and Fries, Yogurt Mountain, Relax the Back, Amtrust Bank, Sub Way, Lees Spa and Nails and Hair Color Experts. There are some restaurant/bar tenant spaces located to the west (Fridays) and to the east (Ted's Montana Grill, Hurricane Grill & Wings and Bokampers Bar & Grill).

The site previously consisted of a 2,424 sf tenant space which was formerly known as Century Link. A new tenant (Pinot's Palette) is proposed for the site. Pinot's Palette is a "paint and sip" business with purchase of alcoholic beverages (beer and wine) available for customers who attend painting classes **only**. The hours of operation are Monday through Thursday 10:00 am to 9:00 pm, Friday and Saturday 10:00 am to 10:00 pm and Sunday 12:00 pm to 6:00 pm.

Pinot's Palette is a recreational business where customers can paint and drink wine. The painting session is approximately 3 hours and no prior art experience is required. Beer and wine and snacks are available for purchase.

The studio layout consists of an art studio with a small wine and beer bar counter area, two (2) restrooms, pantry, private party room (45 person capacity) and a reception area. A total maximum capacity of 75 persons including staff are expected at peak hours of operation. The art studio will consist of art equipment, storage areas for personal belongings, a wine /beer bar (similar to a juice bar in a health spa) and stools for painting. The remaining interior of the building will consist of art decor.

STAFF ANALYSIS

The applicant wishes to administratively amend the Schedule of Uses to add an art studio as a permitted use and the limitation on "Consumption on Premises" (COP) to permit it in conjunction with an art studio. The previous approval permitted a COP in conjunction with a standard restaurant. This request would amend the Schedule of Uses and add Consumption on Premises with an art studio in the re-zoning resolution which was adopted on October 21, 2002.

The applicant submitted an application to the State of Florida "Division of Alcoholic Beverages and Tobacco for a two (2) Consumption on Premises (beer and wine) license.

The amendment to the Schedule of Uses request will not impact the overall density or intensity or character of the surrounding existing tenant spaces. The original schedule of uses for Tract 2C included more intense uses such as restaurants, fast food restaurants, recreational facilities (indoor theater) and large retail establishments. The applicant has indicated alcoholic beverages will only be sold to individuals who sign up and participate in painting classes. Beverages will be limited to beer and wine **only**. There are several restaurant establishments in the vicinity of the proposed project. A counter top bar area (no seating) with a wine glass rack and a refrigerator (stocked with bottles of wine and beer) are located in back of the countertop bar area. The applicant meets the intent of Section 34-1264 of the Land Development Code and the administrative requirements for an administrative approval.

RECOMMENDATION

Based on the prior analysis, staff recommends approval of the art studio use and approval of the COP with the following conditions that are also contained in the Planning and Zoning Board resolution:

- Hours of operation are Monday through Thursday 10:00 am to 9:00 pm, Friday and Saturday 10:00 am to 10:00pm and Sunday 12:00 pm to 6:00 pm;
- 2 COP to be in conjunction with painting classes; and
- No outdoor seating is approved.

If the Planning and Zoning Board wishes to approve this request, staff suggests that the Applicant comply with conditions in the attached Planning and Zoning Board resolution.

ATTACHMENTS:

- A. Application
- B. Exhibit B1 - Aerial of Site and Surrounding Area
- C. Exhibit B2 - Front View of Tenant Space
- D. Exhibit C - Site Location
- E. Description of Rationale for Request
- F. Legal Description



PAID
21.050 -
AP

RECEIVED
NOV 10 2015

**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: Coconut Point

Current Zoning: MPD

Amendment to a PD or PUD to allow: Art studios with COP in Development Area 2C

Final Plan Approval for: _____

1. **Name of Applicant:** Coconut Point Developers LLC
Address: 225 West Washington St.
City, State, Zip: Indianapolis, IN 46206
Phone Number: (239) 992-9966
E-mail Address: jgrofik@simon.com

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]
 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:** Law Office of Matthew D. Uhle, LLC
Contact Person: Matthew D. Uhle
Address: 1617 Hendry St. Ste. 411
City, State, Zip: Fort Myers, FL 33901
Phone Number: (239) 226-4500 **Email:** matthewuhle@aol.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: Coconut Point Developers LLC
Address: 225 West Washington St.
City, State, Zip: Indianapolis, IN 46206
Phone Number: (239) 992-9966 **E-mail:** jgrofik@simon.com

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

6. **STRAP Number(s) [34-204]:**
04-47-25-E3-360SC.0030

7. **Street Address of Property:** 23050 Via Villagio, 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

x 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]:** Urban Community

10. **Original Project Name:** Coconut Point

11. **Original Rezoning Resolution Number:** Z-02-009

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).

See attached list

_____	_____
_____	_____
_____	_____

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).

DOS2004-00254

(project built)

_____	_____
_____	_____

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*:** 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 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 type="checkbox"/>	Legal description (must submit one) [34-204]
<input type="checkbox"/>	Legal description (metes and bounds) and sealed sketch of legal description
	OR
<input checked="" 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 checked="" type="checkbox"/>	Previous Zoning Actions (if applicable)
<input checked="" type="checkbox"/>	DO Numbers (if applicable) DO 52004-00254
<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 checked="" 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.



Exhibit B1

Pinot's Palette

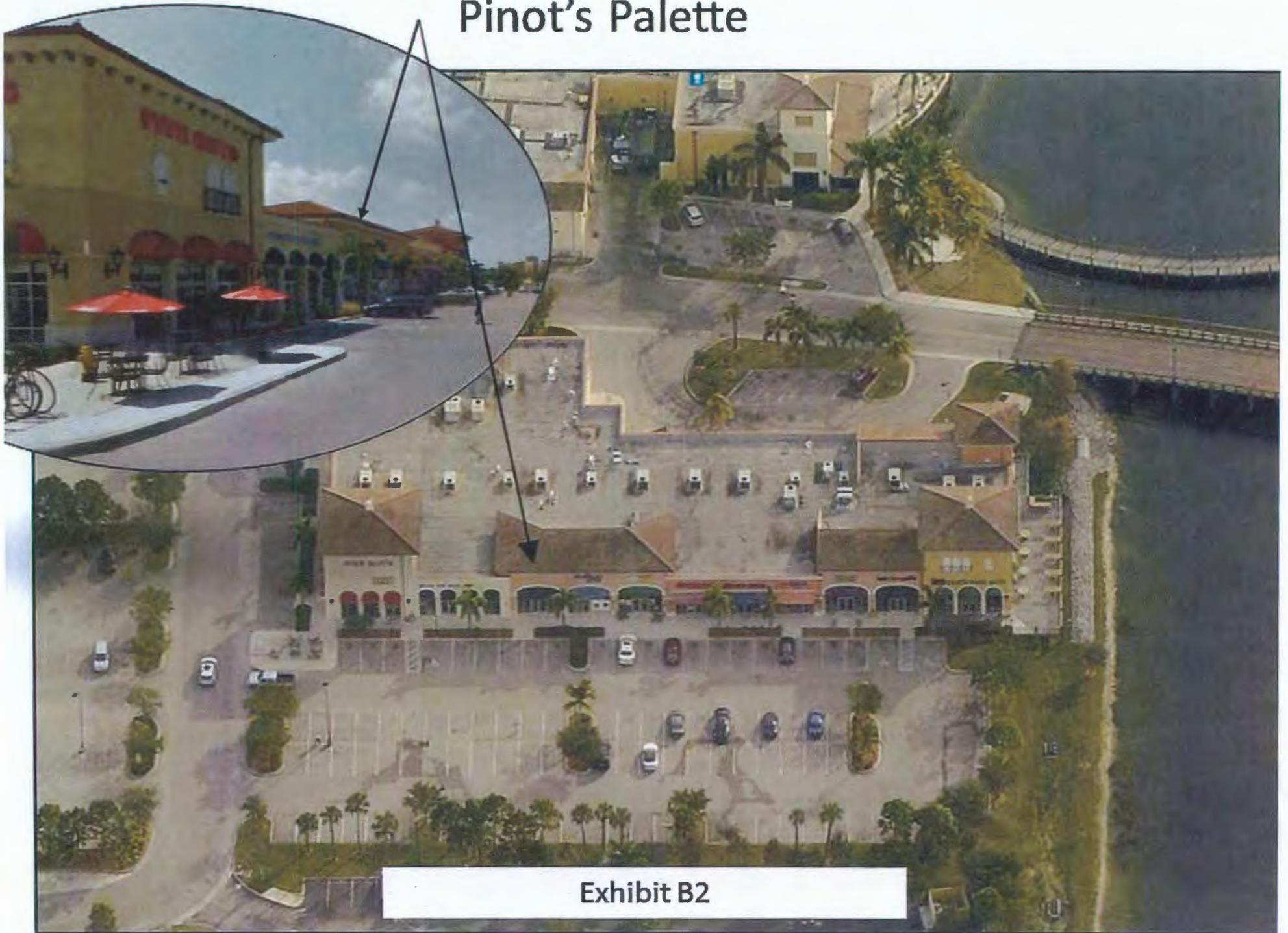
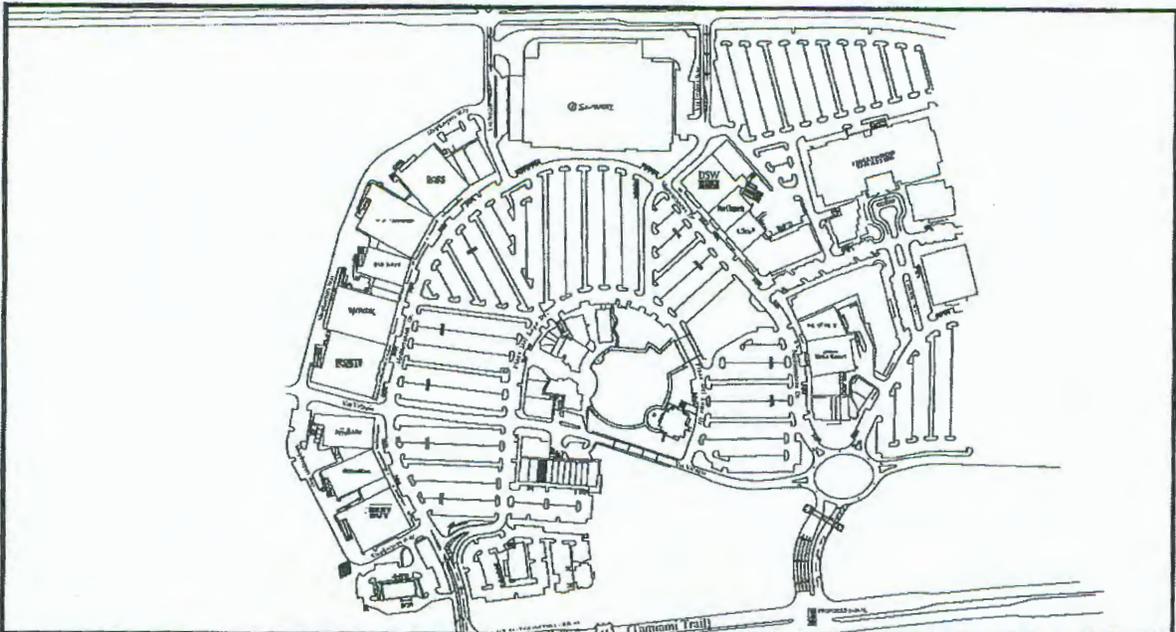


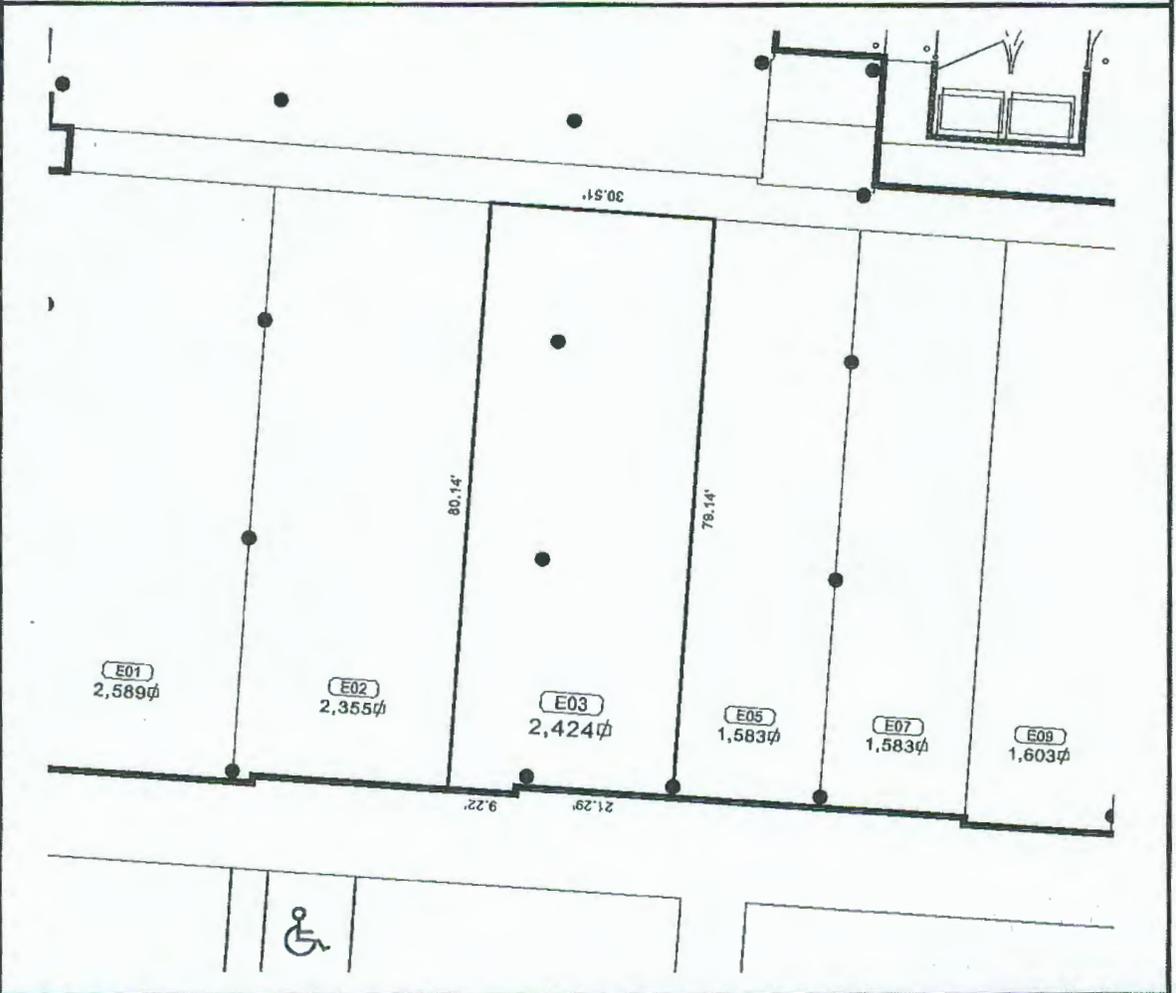
Exhibit B2



SHOPS AT COCONUT POINT

TSD# E03
Level: 01

SIMON® SIMON PROPERTY GROUP
225 W. WASHINGTON ST.
INDIANAPOLIS, IN 46204



The information in this document is confidential and a proprietary trade secret of the Landlord and may not be copied, distributed, published or disclosed without prior written permission. Landlord retains the right to design, change, alter or modify (without prior written notice) the size and configuration of any or all of the buildings, premises, hallways, malls, corridors, kiosks, tenant spaces or common areas contained therein, including, but not limited to, the identity, size, configuration, location or arrangement of any of the foregoing. This document does not constitute any contract or obligation by the Landlord. Landlord makes no representations or warranties regarding the Center, any premises contained therein, or the accuracy of the information contained in this document. It is the responsibility of Tenant or Tenant's contractor to field verify existing site conditions and dimensions.

DBA Name:
Unit No. E03
Leasing Agent:

Date: 03/14/12 23:11
Scale: 1" = 20'
Corp. No. 4697

DESCRIPTION OF AND RATIONALE FOR REQUEST

The applicant is requesting the following revisions to the Schedule of Uses for Tract 2C in Condition 2a :

1. Add "Art Studio" as a permitted use; and
2. Revise the limitation on "Consumption on Premises" to permit it in conjunction with an Art Studio in Tract 2C.

The purpose of this application is to permit a business known as "Pinot's Palette" in an existing multi-tenant building in the Coconut Point tract identified in the attached legal description.

Pertinent facts regarding the business are as follows:

1. Alcoholic beverages will only be sold to individuals who sign up for and participate in painting classes.
2. Beverage sales will be limited to beer and wine.
3. The primary source of revenue for the business will be the painting classes. Beverage sales will comprise approximately 17 percent of the revenues of the business.

The application meets the standards for an administrative amendment in that:

1. The request will not change the overall density or intensity of Coconut Point.
2. The request will not increase building heights or decrease landscaping, buffering, or open space.
3. The request will not increase project traffic.
4. The request will not result in the underutilization of infrastructure serving Coconut Point.
5. The use will have very limited impacts and is internal to the commercial portion of Coconut Point. It will not have any negative impacts on surrounding neighborhoods.

LEGAL DESCRIPTION

Tract SC-3, Coconut Point Area 2, according to the plat thereof as recorded in Instrument No. 2006000409925 of the Public Records of Lee County, Florida.

47 **WHEREAS**, the applicant made a public presentation to the Planning and Zoning
48 Board on September 22, 2015; and

49
50 **WHEREAS**, under the provisions of Ordinance 2015-01 of the Village of Estero,
51 the Planning and Zoning Board has been delegated the authority to make determinations
52 with respect to all applications for administrative actions; and

53
54 **WHEREAS**, the following findings of fact are offered:

- 55
56 1. The original Schedule of Uses for Tract 2C included more intense uses
57 than the use proposed; and
- 58
59 2. The proposed amendment to the Schedule of Uses does not impact the
60 overall density, intensity or character of the surrounding tenant spaces;
61 and
- 62
63 3. Several nearby establishments are permitted for “Consumption on
64 Premises; and
- 65
66 4. The proposed amendment does not decrease buffers or open space
67 required by the Land Development Code; and
- 68
69 5. The proposed amendment does not result in the underutilization of
70 public resources and public infrastructure committed to support the
71 development; and
- 72
73 6. The Planning and Zoning Board has taken this action at a duly
74 constituted public hearing after due public notice.

75
76 **NOW, THEREFORE, IT IS HEREBY DETERMINED** that the application for
77 administrative approval for two amendments to the previously approved Schedule of
78 Uses is APPROVED, subject to the following conditions:

- 79
80 1. The terms and conditions of the original Zoning Resolution (Z-02-009) remain in
81 full force, except as modified herein.
- 82
83 2. Hours of operation are Monday through Thursday 10:00 am to 9:00 pm, Friday
84 and Saturday 10:00 am to 10:00 pm and Sunday 12:00 pm to 6:00 pm.
- 85
86 3. Consumption on Premises shall be in conjunction with painting classes; and
- 87
88 4. No outdoor seating is approved.
- 89
90 5. If it is determined that inaccurate or misleading information was provided to staff
91 or the Planning and Zoning Board or if this decision does not comply with the
92 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.

PASSED AND DULY ADOPTED this 15th day of December, 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

EXHIBIT A

LEGAL DESCRIPTION

Tract SC-3, Coconut Point Area 2, according to the plat thereof as recorded in Instrument No. 2006000409925 of the Public Records of Lee County, Florida.