



## VILLAGE OF ESTERO ZONING STAFF REPORT

**CASE TYPE:** TEMPORARY USE PERMIT  
**CASE NUMBER:** TMP2018-0007  
**NAME:** COCONUT POINT MALL FARMERS MARKET  
**PLANNING & ZONING BOARD DATE:** JUNE 19, 2018

### **REQUEST AND STAFF RECOMMENDATION**

This is a request to permit the use of a "Seasonal Farmers' Market" allowing for the sale of farm produce and goods on Thursdays for a duration of 4 hours from 9 am to 1pm, from October 4, 2018 to April 25, 2019. Staff recommends **APPROVAL** with conditions of the applicant's request.

### **APPLICATION SUMMARY**

**Applicant:** Local Roots, LLC

**Request:** Requesting to use a part of the Coconut Point Mall, Tract 2B for the sale of farm produce and goods in a defined area for a temporary Farmers' Market.

**Location:** The subject property is located northeast of the Coconut Point Mall roundabout in the parking lot between Plaza de Lago Drive and Mediterranean Drive.

The applicant indicates the STRAP number is: 09-47-25-E2-360SC.0010

### **PROJECT HISTORY**

The proposed temporary use is located in the existing mall parking lot in Tract 2B and within a 482.4 acre property known as Coconut Point Mixed Planned Development (MPD) which is part of the Coconut Point DRI. The entire Coconut Point MPD was rezoned from Agriculture (AG-2) to Mixed Planned Development under resolution Z-02-009 dated October 21, 2001.

The Coconut Point MPD zoning for Tract 2B permits 600,000 square feet of retail use, 200 room hotel and 200 multi-family dwelling units.

### **PROJECT DESCRIPTION**

The proposed Temporary Use will be located in the parking lot between Plaza de Lago Drive and Mediterranean Drive. (See Exhibit B) Pursuant to the Land Development Code Section 34-3048(a) Farmers' Markets are allowed in parking lots of developed commercial properties.

The Farmers' Market is proposed to operate on Thursdays between 9 am and 1 pm during the from October through April. There are approximately 50 vendors operating sales from tented stands. The tented stands are set up only for the hours of operation, have open sides (without walls) and are typically 100 square feet (10 feet x 10 feet) in size.

Parking for the Farmers' Market is provided directly adjacent to the market in the existing parking lot area.

Sanitary facilities are available for the patrons of the Farmers Market at the mall and are mentioned as part of the approval granted for a two year period by the Coconut Point Mall manager. (See Exhibit C)

Social media is traditionally used for advertising of the Farmers Market. However, during the scheduled times of the event temporary signs will be placed internally to direct customers and maintain traffic flow.

### **STAFF ANALYSIS**

The applicant is requesting a Temporary Use Permit for the 2018 – 2019 season. The operation of a Farmers' Market is planned to commence at the Coconut Point Mall once a week on Thursdays from 9 am to 1pm beginning October 4<sup>th</sup> and ending April 25<sup>th</sup>.

Section 34-3048(b) of the Land Development Code (LDC) states that Farmers Markets are permitted from October through April and that a Temporary Use Permit may be issued for no more than 4 days a week in the same location. (See Exhibit D) The applicant's request meets the criteria of the LDC Section 43-3048(b) in its scheduling of the operation from October through April and in the number of days permitted per week (one day).

The designated area for the Farmers' Market is in a prominent location with sight lines from the mall's main entrance and from US 41. It is located in an area which is outside of the main traffic flow and parking demands of the mall stores and restaurants. The roundabout provides direct access to the market and parking. Streets will not be blocked during the operation of the market and traffic flow throughout the mall will be maintained as designed.

Sanitary facilities at the mall will be available for the customers. The mall management has approved the use of the property for the Seasonal Farmers' Market and has stated in their approval that the sanitary facilities are available for the market's customers.

The type of goods sold will vary by each individual vendor. The objective of the market is to offer unprocessed and processed agricultural products such as; fruits, vegetables, jams, cheeses and baked goods. The vendors in accordance with the LDC Section 34-3048(d) shall be responsible for securing and displaying all necessary licenses, including but not limited to any license/approval required when offering prepared foods for consumption.

As stated in the LDC Section 34-3048(e) prohibited items and vendors are listed as; used goods, antiques, collectibles and all other goods and services not expressly set forth in Sections 34-3048(d).

### **RECOMMENDATION**

Based on the applicant's compliance with the LDC Section 34 Seasonal Farmers' Market, staff recommends approval of the Temporary Use Permit with the conditions in the resolution.

**ATTACHMENTS:**

- Exhibit A      Application
- Exhibit B      Site and Surrounding Area
- Exhibit C      Simon Mall Management Approval
- Exhibit D      Land Development Code Section 34-3048 Seasonal Farmers' Market

# Exhibit A

## Application



TEMPORARY PERMIT/
TEMPORARY USE
APPLICATION

3 5359

This application and all submittal requirements may be emailed to; permitting@estero-fl.gov. The application may also be submitted in person at our office located at 9401 Corkscrew Palms Circle, Estero FL 33928 M-F 8:00 am to 5:00 pm.

Applicant: Local Roots, LLC Contact Person (if different): Jean Baer
Phone: 239-681-9249 Email Address: jmbaer@comcast.net
Strap Number of Property: 09-47-25-E2-3605C.0010
Property Owner's Name: Simon Malls
Address of Property: 23106 Fashion Dr Estero, FL
Strap Number of Property:
Description of Temporary Use (please be specific): Farmers Market

Type of Use Requested (Additional Zoning Review fee of \$75 may be charged for all uses except Construction Office/Shed and Community Gardens):

- Checkboxes for various use types: Horse Shows/Exhibitions, Construction Office/Shed, Fireworks Display, Temp. Mail Distribution, Christmas Tree Sales, Carnivals/Fairs/Circuses, Community Garden, Tent, Temp. Storage Facilities, General Temporary Use, Seasonal Farmers' Market.

Date of Event: 10/4/18 thru 4/25/19 Hours of Operation: from 9 am to 1 pm
Number of Tents: 60 (Plan Review fee of \$50 will apply to tents over 2500 sq. ft. and/or w/sidewalls)
Sq. Ft. per Tent: 10x10 = 100 Side Walls? Yes No
Electric? Yes No (If yes, Electric fee of \$75 will be charged) Electric amps (if applicable):
DO/Permit #: (required for Construction Office/Shed)

ADDITIONAL SUBMITTAL REQUIREMENTS

- A. Notarized letter from property owner giving permission for use of property (not required for Construction Office/Shed).
B. Proof of sanitary facilities (port-o-let contract) or letter from neighboring business, stating that restroom facilities are for their use, indicating that hours of operation are compatible (not required for Temporary Storage Facilities).
C. Copy of public liability insurance, plus property damage in amount of \$50/100,000 minimum coverage (not required for Construction Office/Shed).
D. Two (2) site plans indicating location of; available parking, existing structures, tent and equipment, restroom facilities, etc.
E. If tent is 2500 sq. ft. and over, plans will need to be reviewed by Planning and Zoning staff.
F. Two (2) copies of the flame retardant certificates are required for each tent (if applicable).
G. A Special Events Permit may be required if projected attendance exceeds 1,000 people per day, if the event is located within a County park/facility or on County property, and/or if alcohol is being sold or consumed within a County park/facility or on County property. Please contact (239) 221-5036 for additional information.
H. Community Gardens require a Temporary Use Permit after receiving an Administrative approval from zoning. Please provide a copy of the Administrative approval for this application.



## VILLAGE OF ESTERO

### AFFIDAVIT FOR OVER THE COUNTER PERMITS FOR TENTS

I hereby affirm that the following criteria will be met for the tents to be erected at:

23106 Fashion Drive

(address)

for Local Roots, LLC  
(Business Name)

for the purpose of Farmers Market  
(Event)

1. Tent is under 2500 square feet and does not have sidewalls.
2. Tents will not be used for a place of assembly [more than fifty (50) people], kitchen or mess hall.
3. Tents will not block any driveway, fire hydrant or fire access to any building.
4. Tents will be at least twelve (12) feet from all property lines and have an unobstructed passage-way or fire road not less than twelve (12) feet wide and free from guy ropes or other obstructions on all sides of tent.
5. "NO SMOKING" signs will be placed approximately every twenty (20) feet around perimeter of tent.
6. One (1) classification type 2A fire extinguisher will be provided in every tent having a floor area of more than five hundred (500) square feet but less than one thousand (1000) square feet, and also one (1) in each auxiliary tent adjacent thereto. Two (2) classification type 2A fire extinguishers will be provided for each tent from 1000 to 2500 square feet.
7. Tents that will be occupied after sunset will have lights and emergency lighting.
8. Flame resistance certificates will be on the job site for inspection.

**NOTE:** All other applicable requirements of N.F.P.A. 102 will be complied with.

I understand that it is the responsibility of the permit holder to call the Inspections Office for inspection request and the Local Fire District to receive final fire inspection prior to using the tent.

**Under penalties of perjury, I declare that I have read the foregoing Affidavit and that the facts stated in it are true.**

Signature (owner/authorized agent) \_\_\_\_\_

Juan Baer

Date \_\_\_\_\_

4/2/18

Typed or printed name \_\_\_\_\_

Juan Baer





# SALES RECEIPT

<b>Village of Estero</b>	Sold To	<b>Local Roots LLC</b>
<b>9401 Corkscrew Palms Circle</b>		1418 Sandcastle Road
<b>Estero, FL 33928</b>		Sanibel, FL 33957
Phone (239) 221-5036		Phone

Transaction #	Payment Method	Account	Sale Date
15671	Company Check	T067....2417	4/10/2018 3:20:16 PM

Trace #	Approval Code
1400310000030116409046	2030

Application #	Qty	Item	
AP-35359	1.00	USE	\$100.00
		Total	100.00

I acknowledge receipt of goods and/or services in the amount of the total shown hereon. When you provide a check as payment, you authorize us to use information from your check to process a one-time Electronic Funds Transfer (EFT) or draft drawn from your account, or process the payment as a check transaction. You also authorize us to process credit adjustments, if applicable. If your payment is returned unpaid, you authorize us to collect your payment and the Return Fee amount below by EFT(s) or draft(s) from your account. If you are presenting a corporate check, you make these representations as an authorized corporate representative. Please note that any returned check is subject to a 30.00 charge and  Questions? Call 1-800-366-2425.





# Exhibit B

## Site and Surrounding Area







# Exhibit C

## Simon Mall Approval

  
**COCONUT POINT**<sup>®</sup>  
A SIMON MALL

March 29, 2018

The Village of Estero – Community Development  
9401 Corkscrew Palms Circle  
Estero, FL 34135

To Whom It May Concern:

Please be advised that I am the Mall Manager for Coconut Point. Our office is located at 23106 Fashion Drive, Estero, FL 33928. I give Local Roots permission to hold a green market on the property once a week for the period of 10/4/2018 – 4/30/2020.

Please be advised that the mall sanitary facilities are available for the guests during the time period.

If you have any questions I can be reached at (239) 992-9966.

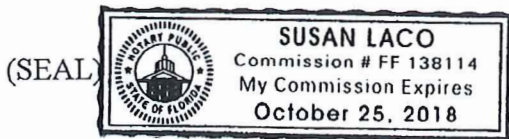
Sincerely,




Jamie C. Grofik  
General Manager  
Coconut Point

STATE OF FLORIDA  
COUNTY OF LEE

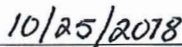
The foregoing instrument was acknowledged before me this 29<sup>th</sup> day of March, 2018  
by Jamie C. Grofik who is personally known to me.



Notary Public



Print Name



Commission Expiration Date

# Exhibit D

LDC Section 34-3048

Seasonal Farmers' Market

**Sec. 34-3048. - Seasonal farmers' market.**

- (a) *Farmers' market* are allowed in the parking lot or grassed areas of properties developed with churches, schools, clubs (df), parks (section [34-622\(c\)\(32\)](#)), commercial or industrial uses, or on-site recreational facilities (df). *Farmers' markets* are prohibited on vacant lots.
- (b) *Farmers' markets* are permitted from October through April. A temporary use permit may be issued for no more than four days a week in the same location. A year round *farmers' market* requires compliance with this Code.
- (c) The application for the temporary use permit must include the following:
- (1) A site plan indicating the layout and boundaries of the *market*. The *market* may be located within parking areas with written consent of the property owner. The *market* is not permitted in open space or preserves areas, as designated on an approved local development order, or within a County right-of-way. Adequate pedestrian and vehicular access to the site must be demonstrated;
  - (2) The day of the week and hours of operation for the *market*.
- (d) Each vendor is responsible for securing and displaying all necessary licenses, including but not limited to any license/approval required when offering prepared food for consumption, etc. (i.e., Florida Department of Agriculture, Food Safety, and Department of Business and Professional Regulation, etc.). Allowed products and services are limited to:
- (1) Unprocessed agricultural products such as fruits, vegetables, grains, flowers, and plants;
  - (2) Processed agricultural products such as milk, cheese, oils, vinegars, meats, poultry, eggs, honey, spices, coffee, jams, nuts, sauces, pasta, soaps, ice cream, herbal preparations, jellies;
  - (3) Prepared foods such as ready-to-eat baked goods, breads, meats, cheeses, cakes, and pies;
  - (4) Food booths, with proper licensing, where preparation of food occurs on site;
  - (5) Agriculture-related crafts, such as handmade wreaths, swags, dry flower arrangements, pressed flowers, scented sticks and potpourri; candles, scented sticks;
  - (6) Items designed to promote water, soil, or energy conservation, such as rain barrels, organic fertilizer, compost boxes, and related educational materials;
  - (7) Musical entertainment may occur only at one location within the *market* area and must comply with the County noise ordinance; and
  - (8) Other goods and services determined by the Zoning Director to be substantially similar to the above vendor types.
- (e) Prohibited items and vendors: Used goods, antiques, collectibles, and all other goods and services not expressly set forth above.
- (f) The Department of Community Development has the authority to modify or revoke the *farmers' market* temporary use permit upon a finding of a violation of any condition of the temporary use permit approval. Prior to revoking a permit, the permittee will be given written notice of the violation and the action necessary to correct the same. The notice will be delivered in compliance with F.S. § 162.12. The