

Sprouts Farmers Market at Estero Grande

Request Statement & Village of Estero Variance Narrative

I. Request Statement

George B. Tomlin, of GBT Realty Corporation ("applicant"), is requesting a variance from the setback requirement for identification signs, as specified in the Village of Estero Land Development Code (Transitional) Sections 30-153(2),a,4 and 33-385.(a)(3), for the subject property located at the southwest corner of US 41 and Terracap Way (adjacent to the Estero Parkway and US 41 intersection) at the Shoppes at Estero Grande.

The Variance pertains specifically to the placement of a monument sign along the property line abutting US 41 of the Sprouts property. The code sections require a minimum fifteen feet (15') setback from any street right-of-way or easement, and ten feet (10') from any other property line. We are requesting the approval of a variance that allows the properties proposed monument sign to be five feet (5') from the US 41 right-of-way, a variance of ten feet (10'). A site plan and exhibit are included in the submittal titled, "Exhibit A", based on the DO plans currently under review for the Sprouts Market and the Shoppes at Estero.

The Variance request follows the Development Order for Sprouts Farmers Market at Estero Grande (DO2019-E001), where the applicant is proposing construction of one outparcel containing up to 30,000 square feet of commercial floor area with supporting infrastructure including draining and parking, per Z-14-028, for a Sprouts Farmers Market retail store.

The subject property is platted as Tract C1 of Estero Grande Subdivision per Instrument No. 2018000041056. The property is zoned Mixed Use Planned Development (MPD).

II. Narrative and Justification

The request is being made to address exceptional or extraordinary conditions or circumstances that are inherent to the property in question which create a hardship and an additional consideration of corridor consistency regarding sign setbacks from the US 41 right-of-way.

EXCEPTIONAL OR EXTRAORDINARY CONDITIONS

There are two exceptional or extraordinary conditions that are inherent to the property in question that runs with the land:

1. FDOT needed more right-of-way due to the extensive intersection at US 41 and Estero Parkway and the addition of the right turn lane for the Shoppes at Estero Grande.
2. The location of the building and required building elevation and relative elevation of the drainage area along US 41 creates a slope for the direct pedestrian interconnection from US 41 sidewalk to the Sprouts building that would exceed ADA requirements.

RECEIVED

APR 26 2019

VILLAGE OF ESTERO

1. FDOT Right-of-Way Donation

The FDOT donation of 11,456 square feet was recorded on June 15, 2018 (Instr No. 2018000145479). It extends across the subject property and onto Tract R1 for Terracap Way. It pushes the site property line west nineteen feet (19'). This is unique to this site and was required by FDOT primarily to accommodate a right turn lane into the Shoppes at Estero Grande development while still allowing for proper roadway drainage and sidewalk, and in part due to the extensive number of lanes at US 41 and Estero Parkway (2 left onto Estero Parkway, 3 southbound). The turn lane and other road improvements for US 41 are complete as shown in *Figures 1 thru 3* below.



Figure 1 - Looking South from Terracap Way – turn lane and sidewalk improvements (April 4). The original right-of-way line was roughly along the telephone poles, the new is along the sidewalk. Notice the sidewalk jogs west due to donation



Figure 2 - Looking south from Terracap Drive with sidewalk aligned with crosswalk.



Figure 3 - Looking South from Terracap Way on April 4, 2019 - US 41 existing sidewalk and Sprouts property line bordering the sidewalk jogs west due to donation

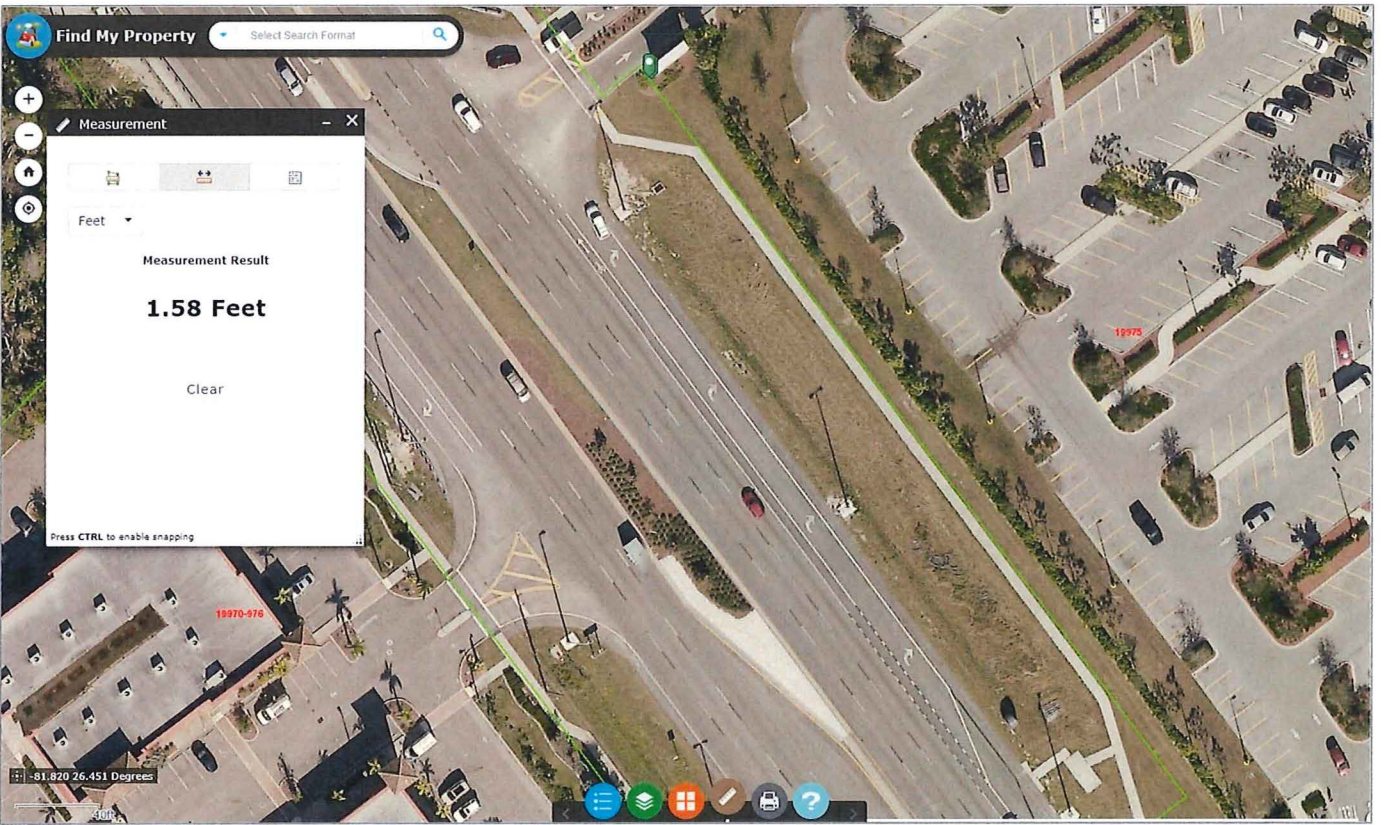
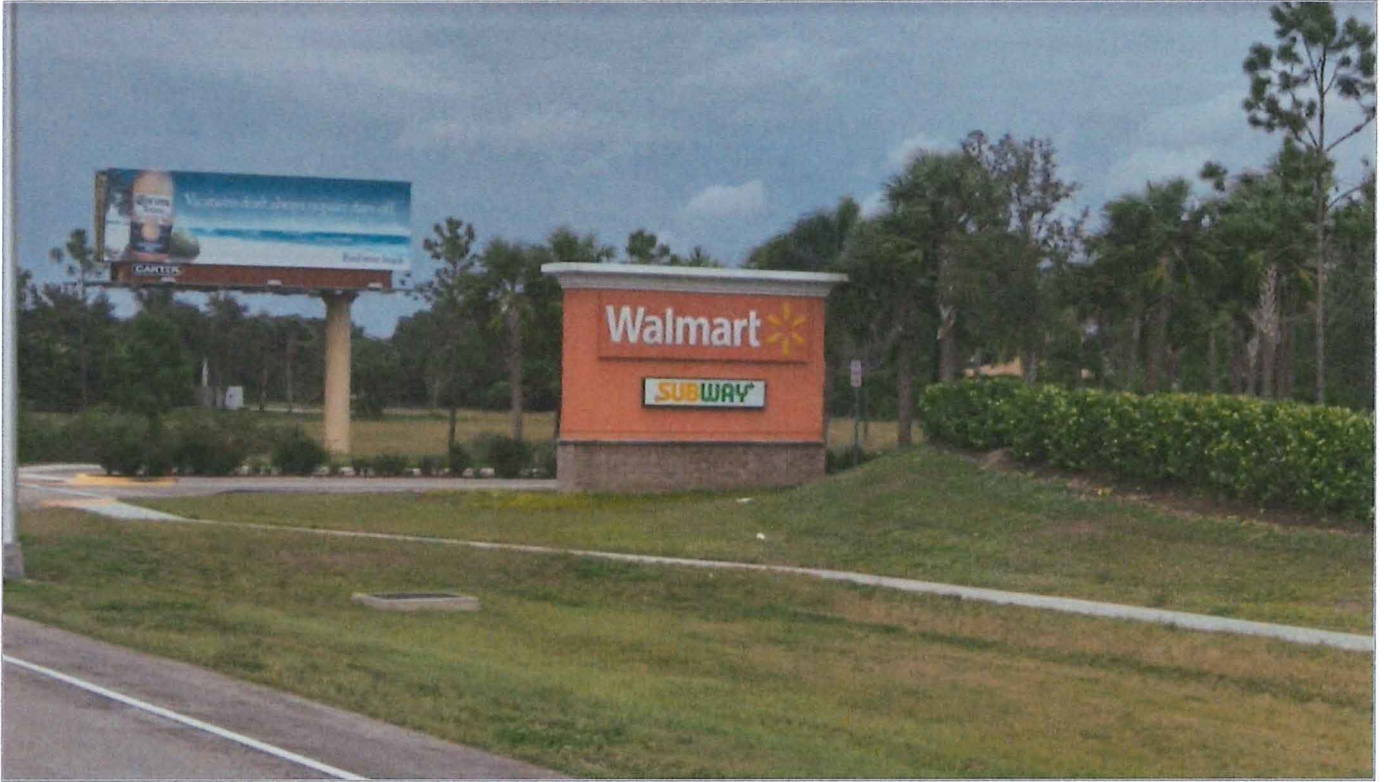
Other Signs in the Vicinity

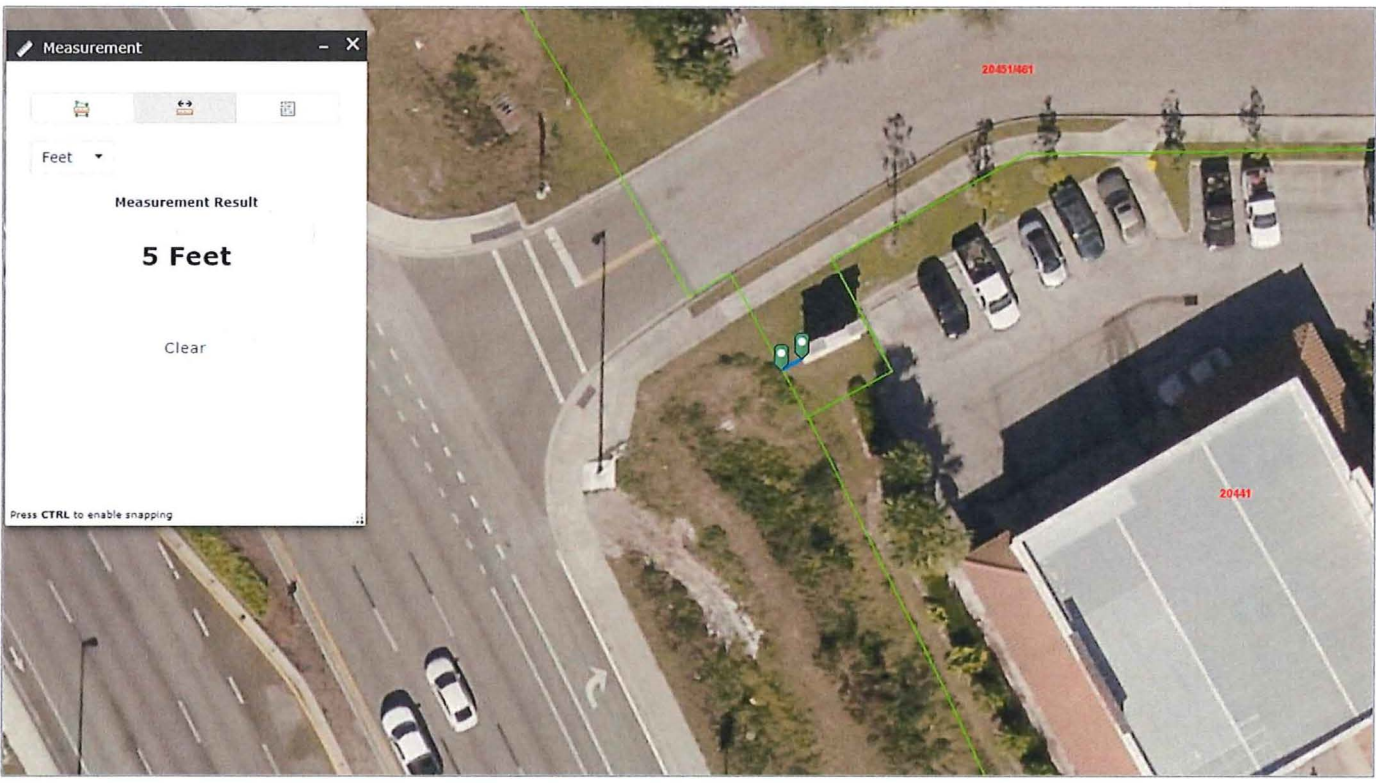
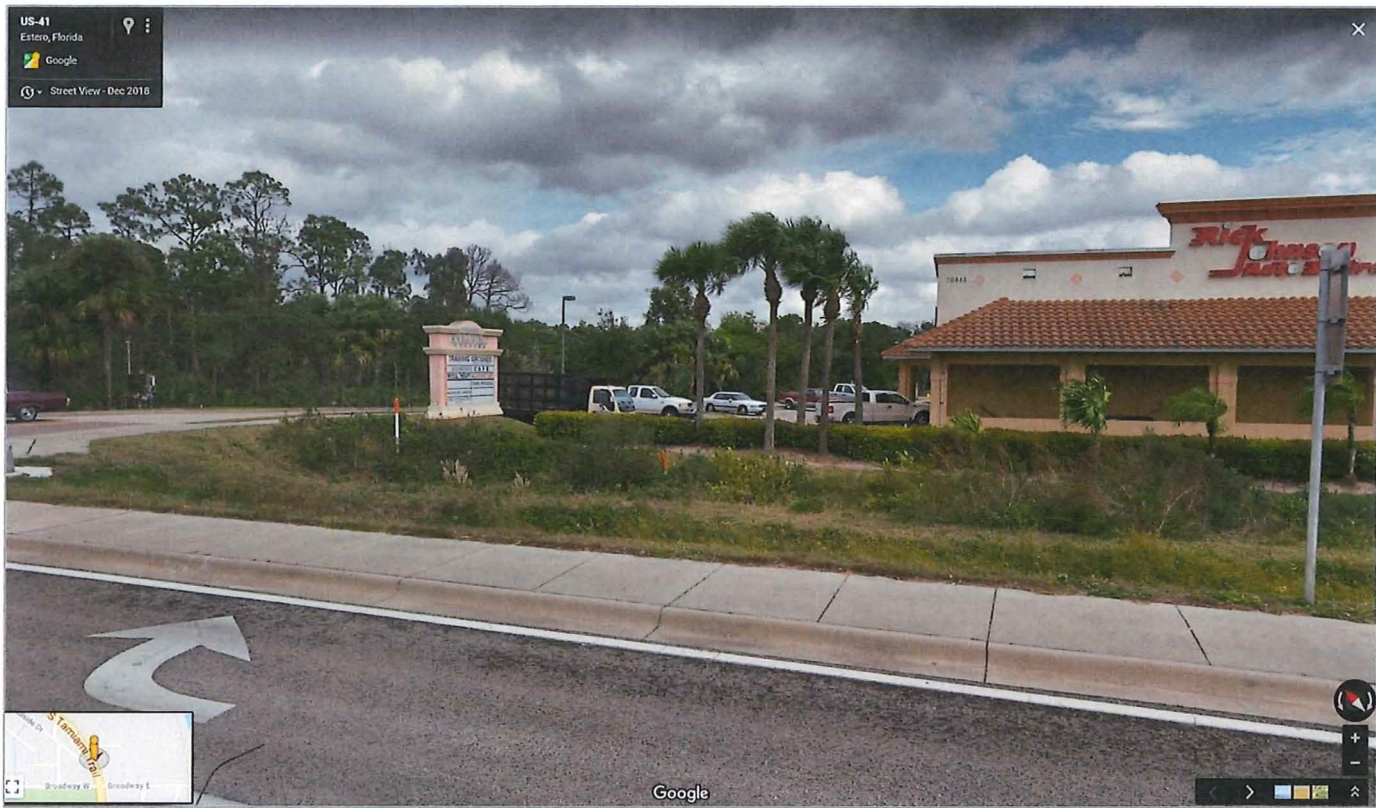
We have located signs to the north, south and east of the site. The sign setbacks vary. Some of the older sites, such as Greenways Landscaping and Cambell's Auto Center (southwest US 41) and RMS and Lee Homes (southeast US 41), have setbacks ranging from 5-10 feet. Most newer sites to the south and east have adhered to the 15-foot setback requirements unless they have experienced right-of-way donations similar to the Sprout's property.

For example, of particular interest are two newer sites that experienced additional US 41 right-of-way dedications similar to the dedication at the Sprouts site. The most notable is across the street at the Walmart. The original zoning (Z-04-048) for Walmart did not anticipate the additional dedication and placed the monument sign on US 41 with a 15-foot setback. However, in subsequent administrative amendments (ADD2012-00078) the revised master concept plan included the dedication, but allowed the sign to stay in the original location. Today the Walmart sign is at 0-1 foot setback from the property line, apparently done administratively at the time of DO.

The second is at the Rick Johnson's Tire Center south of the subject property on the east side of US 41. It has a setback of 5 feet. The pictures and measurements estimated from Lee County GIS are included on the next two pages.

The pictures of the other sites researched are at the end of this document in *Appendix A*.

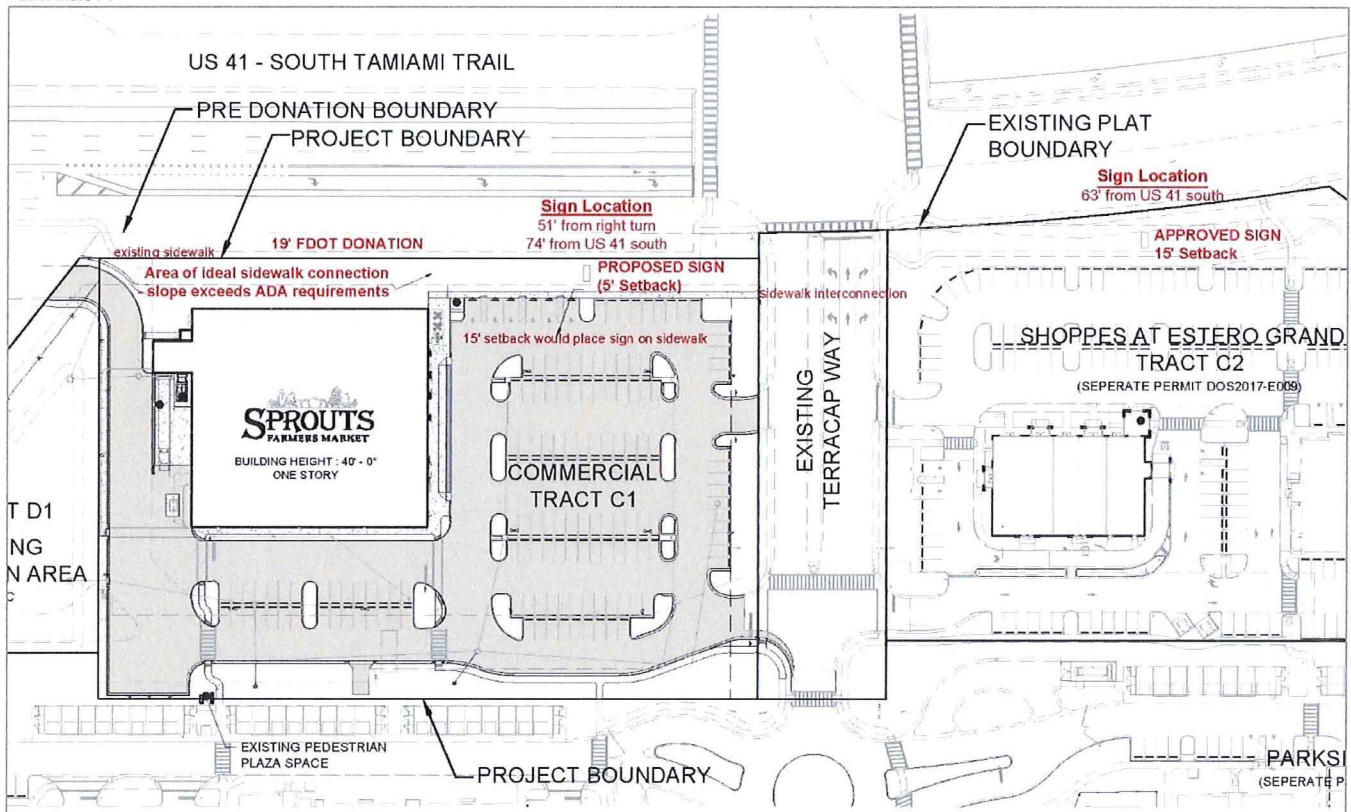




2. Pedestrian Interconnection Requirement

As Exhibit A shows the site is addressing Estero Design Standards, US 41 OVERLAY DISTRICT-SPECIAL SITE DESIGN STANDARDS, which asks for buildings exceeding 7,500 square feet, and fronting US 41, parking is encouraged to the sides or rear of the building. As a result, the sidewalk placement in the Development Order for Sprouts, which is proposed to be built parallel to the Sprouts parking lot and the existing US 41 sidewalk, is not the ideal pedestrian interconnect for the site. The desired location is from the US 41 sidewalk directly to the sidewalk and bike rack on the south side of the building (as identified in Exhibit A). However, the building placement along the property line, so parking can be in the rear, creates a slope from the US 41 sidewalk to the building access severe enough to prevent placing an ADA compliant sidewalk without an extensive, unsightly stem wall and switchback design to achieve proper slope. The solution is to run the sidewalk along the parking lot handicap spaces and connect to the Terracap Way sidewalk and US 41 so pedestrian interconnection can be achieved. The proposed variance request allows for the monument sign to five feet (5') away from US 41 right-of-way and allow the sidewalk to run parallel to the parking lot. If the sign were to be setback fifteen feet (15') from the new property line it would interfere with the placement of the pedestrian interconnection that is provided for ADA compliant access from the sidewalk on US 41.

Exhibit A



3. Corridor Consistency Considerations

In addition to applying setbacks consistently with surrounding properties experiencing FDOT right-of-way donations there are aesthetic considerations within the corridor and abutting properties that we believe are met with this approval of this variance.

The retail center to the north, Cayo De Estero, has a right-turn lane but did not have to donate land to FDOT. The land to the south at the Shoppes at Estero Grande did not need a right turn lane as it is south of the entrance to the retail center. *Figure 4* provides context for the property to the north.



Figure 4 - Looking south towards subject property from US 41 showing the Cayo De Estero retail center right turn lane and monument sign.

Aesthetically pleasing visual corridors are very important to the Village of Estero. Signage has a significant role to play. Sign setbacks are often required by land development codes to keep corridors from having signage close to roads which would not only serve as distracting to drivers but also dominate the aesthetic value of the corridor. Applying the fifteen-foot (15') sign setback to the US 41 corridor should produce a consistent look. For example, the Cayo De Estero monument sign in *Figure 4* is fifteen feet (15') off the right-of-way line. However, the true "feel" and visual impact needs to be measured by how far from the travel lanes it is located. *Figures 5 and 6* on the next page show that the sign is located forty-three feet (43') from the edge of pavement for the right turn lane and sixty-three feet (63') from the US 41 southbound travel lane. **Using these two figures it would be detrimental to the visual consistency of the corridor if the variance allowed the Sprouts monument sign to be closer to the travel lanes.**

Exhibit A reveals that the Sprouts sign, with a Variance to allow a five-foot (5') setback from the US 41 right-of-way, **does not place the sign closer to the southbound travel lanes than the abutting properties.** The sign is proposed to be fifty-one feet (51') from the right-turn lane edge of pavement and seventy-four feet (74') from the southbound travel lane. Similarly, the approved monument sign for the Shoppes at Estero Grande has a fifteen-foot (15') setback but is sixty-three feet (63') feet from the southbound travel lane. **Both signs north and south are closer to the travel lanes than the Sprouts sign with a variance.**

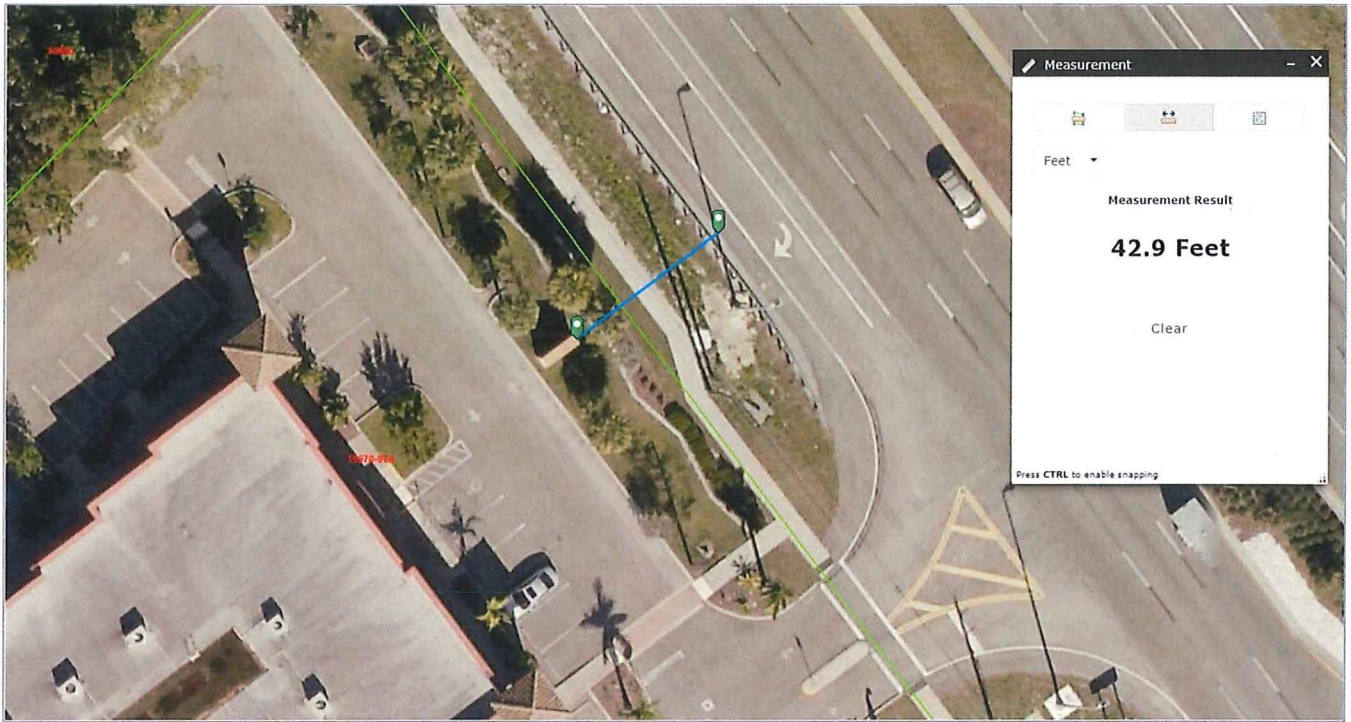


Figure 5 - Cayo De Estero monument sign from right turn lane edge of pavement

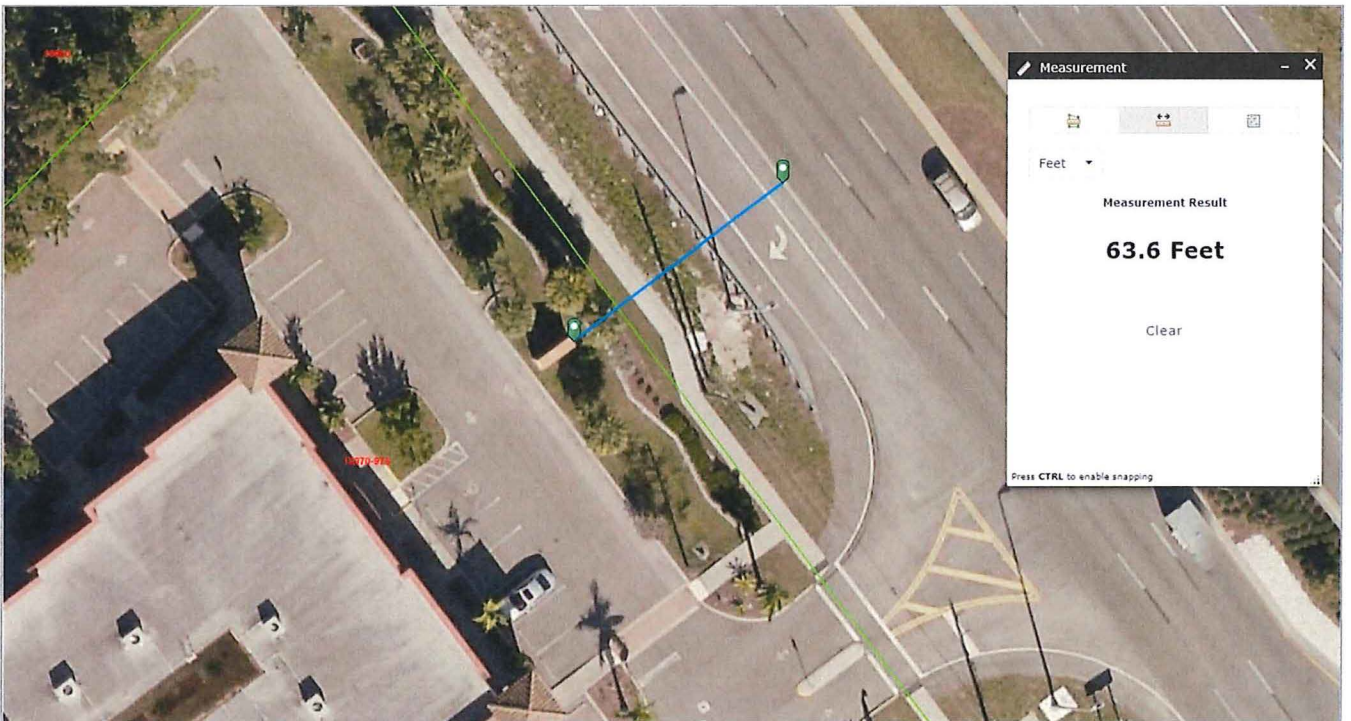


Figure 6 - Cayo De Estero monument sign from US 41 southbound lane

III. SUMMARY

Land Development Code Sections 34-83(2)(3) establishes that the Planning and Zoning Board has the authority to hear and decide variances and must consider the following when rendering a decision according to Section 34-145(b):

a. There are exceptional or extraordinary conditions or circumstances that are inherent to the property in question and whether those exceptional or extraordinary conditions or circumstances create a hardship (as defined in section 34-2) on the property owner.

- The exceptional and extraordinary conditions are inherent to the property. The primary circumstance is the need for additional FDOT right-of-way to accommodate the right turn lane. This created an exceptionally deep sign location if the sign were to be setback fifteen feet.
- Second, the slope created by the FDOT open drainage area is exceptionally steep based on the bottom elevation of the drainage area and the finished floor of the building. This results in an inability to make a direct connection to the sidewalk on US 41 to the sidewalk next to the building due to slope requirements of ADA. The solution is to construct a sidewalk parallel and abutting the parking lot and parallel to the US 41 sidewalk with a connection at Terracap Drive. The sidewalk resulting crosses the area where the sign would need to be placed if located at fifteen feet from the property/right-of-way line. Moving the sign forward of the sidewalk solves this issue.

b. The exceptional or extraordinary conditions or circumstances are not the result of actions of the applicant taken subsequent to the adoption of the ordinance (any action taken by an applicant pursuant to lawfully adopted regulations preceding the adoption of the ordinance from which this chapter is derived will not be considered self-created).

- The FDOT right-of-way donation is required for the roadway, while the sidewalk interconnection requirement and location of the building are according to the land development code.

c. The variance granted is the minimum variance that will relieve the applicant of an unreasonable burden caused by the application of the regulation in question to his property.

- The variance of 10 feet is the minimum variance required to allow for the sidewalk parallel to the parking lot and a proper positioning between that sidewalk and the sidewalk in the US 41 right-of-way. This variance places the sign roughly in the middle of the two sidewalks.

d. The granting of the variance will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

- This variance will not be injurious to the neighborhood or otherwise detrimental to the public welfare. The neighborhood in this case should be considered the abutting development to the south, Shoppes at Estero Grande, which is in the final phase of construction and the Walmart across the street.
 - The Walmart sign is on the property line whereas the request at the Sprouts sign is providing a 5-foot setback.
 - The Shoppes property, which will be a Starbucks, Verizon Store and other retail, does not inherit the constraint of a nineteen-foot (19') right-of-way donation to FDOT for US 41. The property to the North, the Cayo De Estero retail center does not inherit the right-of-way donation despite having a right-turn lane. Moreover, the placement of the

sign will not be closer to the public travel ways than the abutting properties, in fact generally it will remain further from the southbound travel lanes than with monument sign to the north or south leaving no injurious circumstance to the visual and safety of the corridor.

e. The condition or situation of the specific piece of property, or the intended use of the property, for which the variance is sought is not of a general or recurrent nature so as to make it more reasonable and practical to amend the ordinance.

- This physical circumstance found in the subject property is not of a general or recurrent nature, and it is specific to this property. Additionally, the owner of the property inherited the exceptional condition of this property, both the topographic circumstance and the FDOT donation, and are not the result of actions of the applicant taken subsequent to the adoption of the Section of LDC in question.

Administrative Option

LDC Section 34-268(b) permits the director to administratively approve changes as discussed within this request. In this case the Village of Estero asked the applicant to go through a public hearing process. It should be noted that the request would meet the requirements for approval by an administrative variance. The LDC provides that the Director must find that all of the following exist:

(1) There are exceptional or extraordinary conditions or circumstances that are inherent to the property in question;

- As detailed above the FDOT right-of-way donation and the slopes created by the drainage elevation and required building elevations making a pedestrian connection slope exceed ADA requirements are exceptional circumstances.

(2) The variance granted is the minimum variance that will relieve the applicant of an unreasonable burden caused by the application of the regulation in question to the property; and

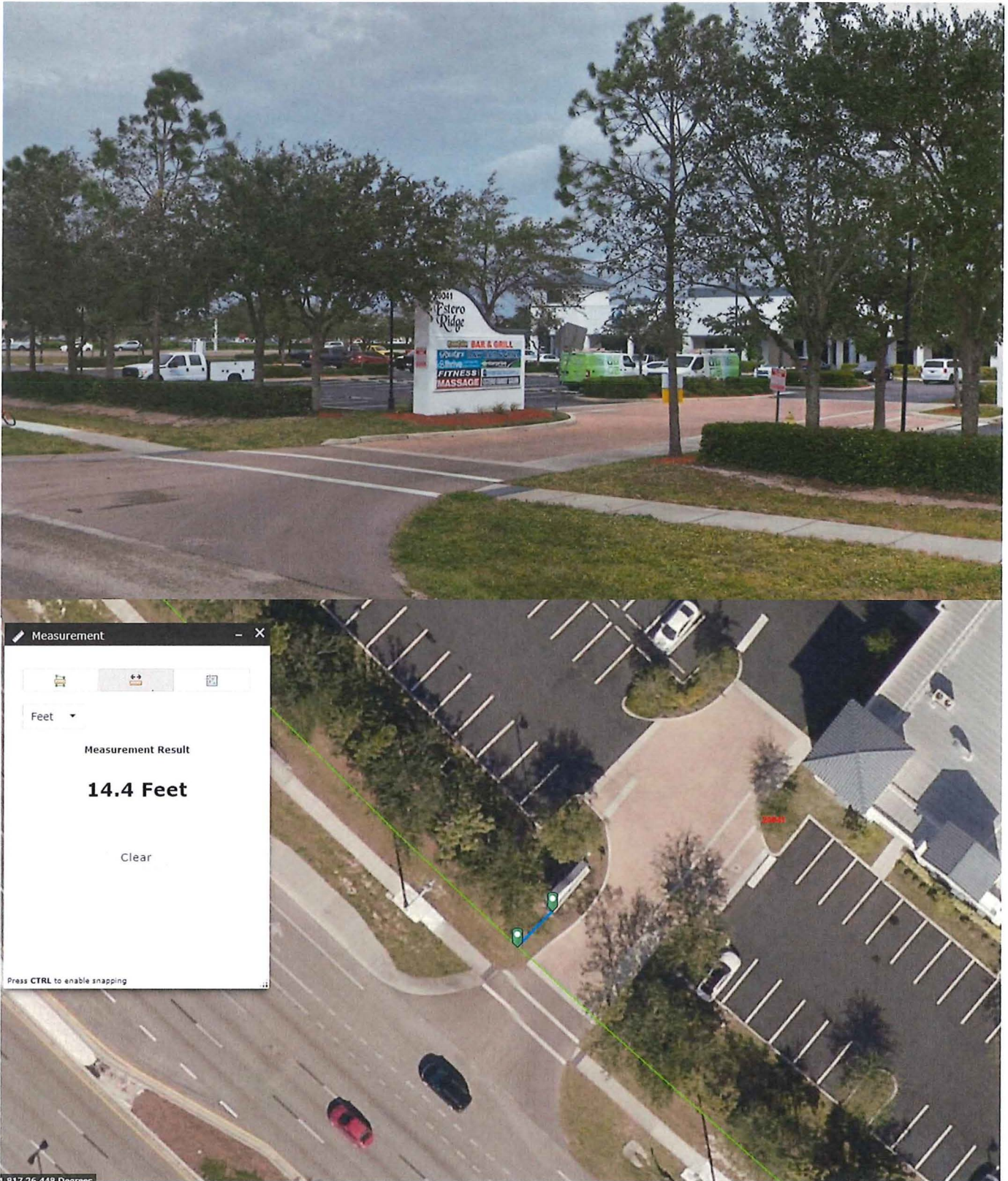
- Again, the placement of the sign is to allow pedestrian interconnection to occur with a parallel sidewalk aligned with the parking lot. The sign is then placed approximately in the middle between the aforementioned sidewalk and the sidewalk along US 41.

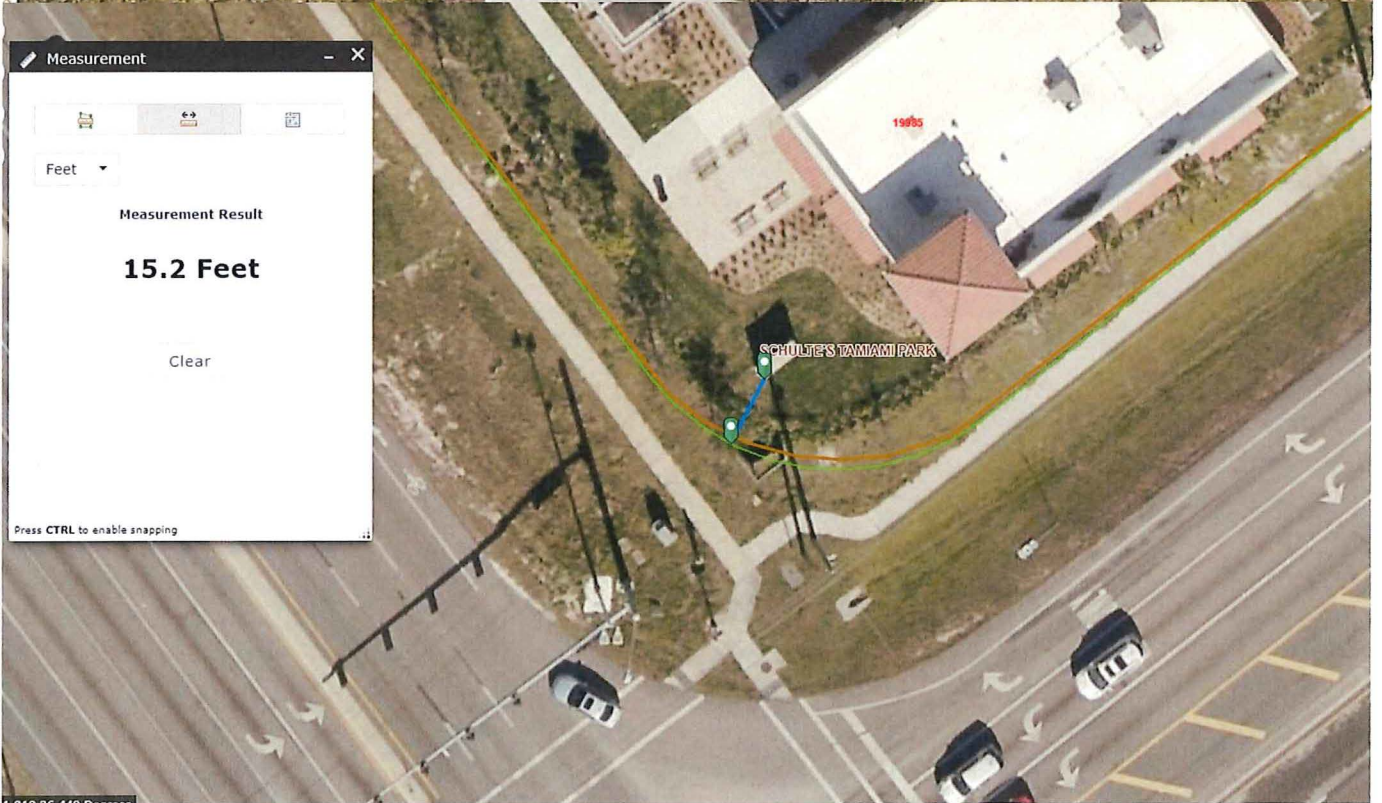
(3) The granting of the variance will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

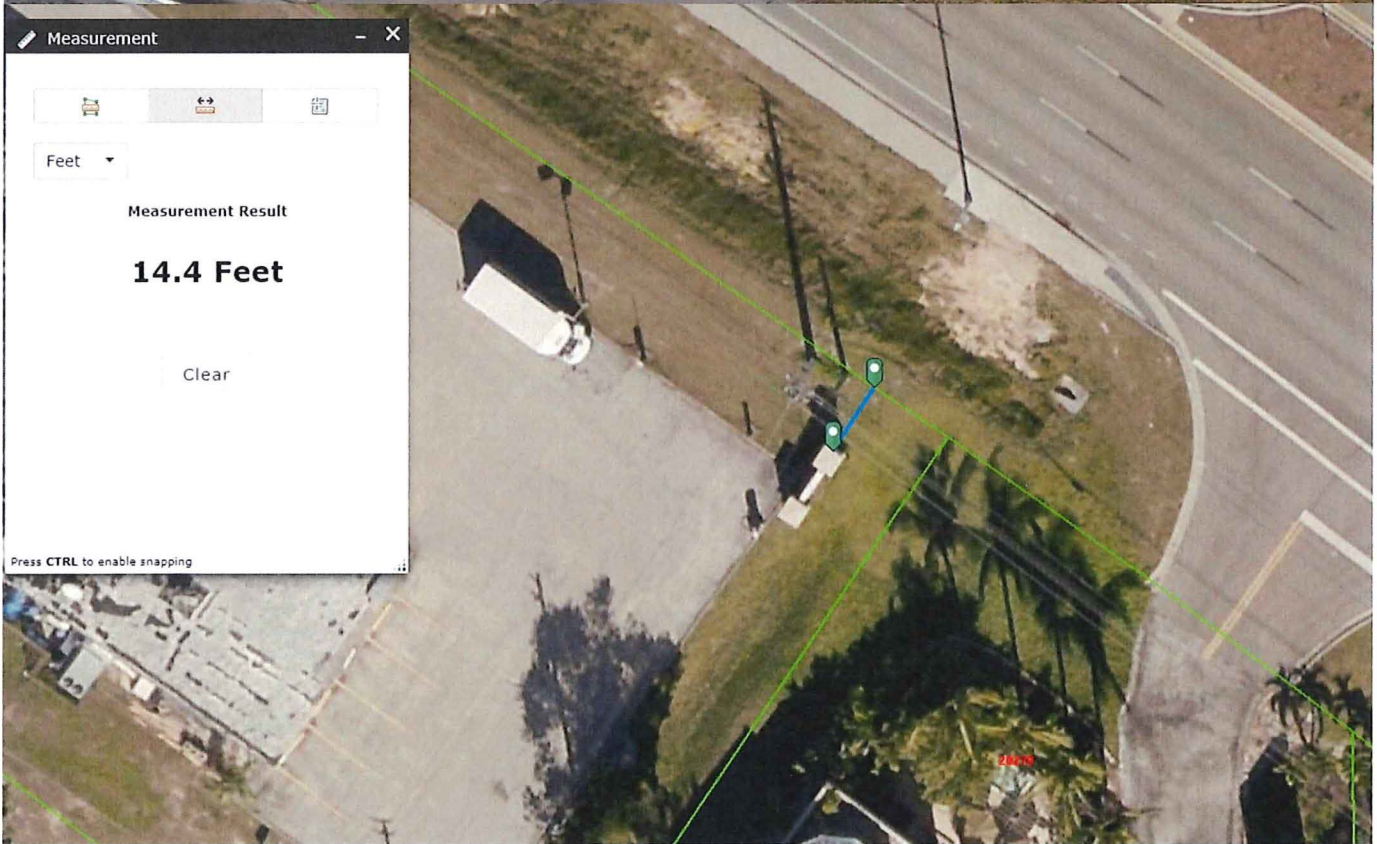
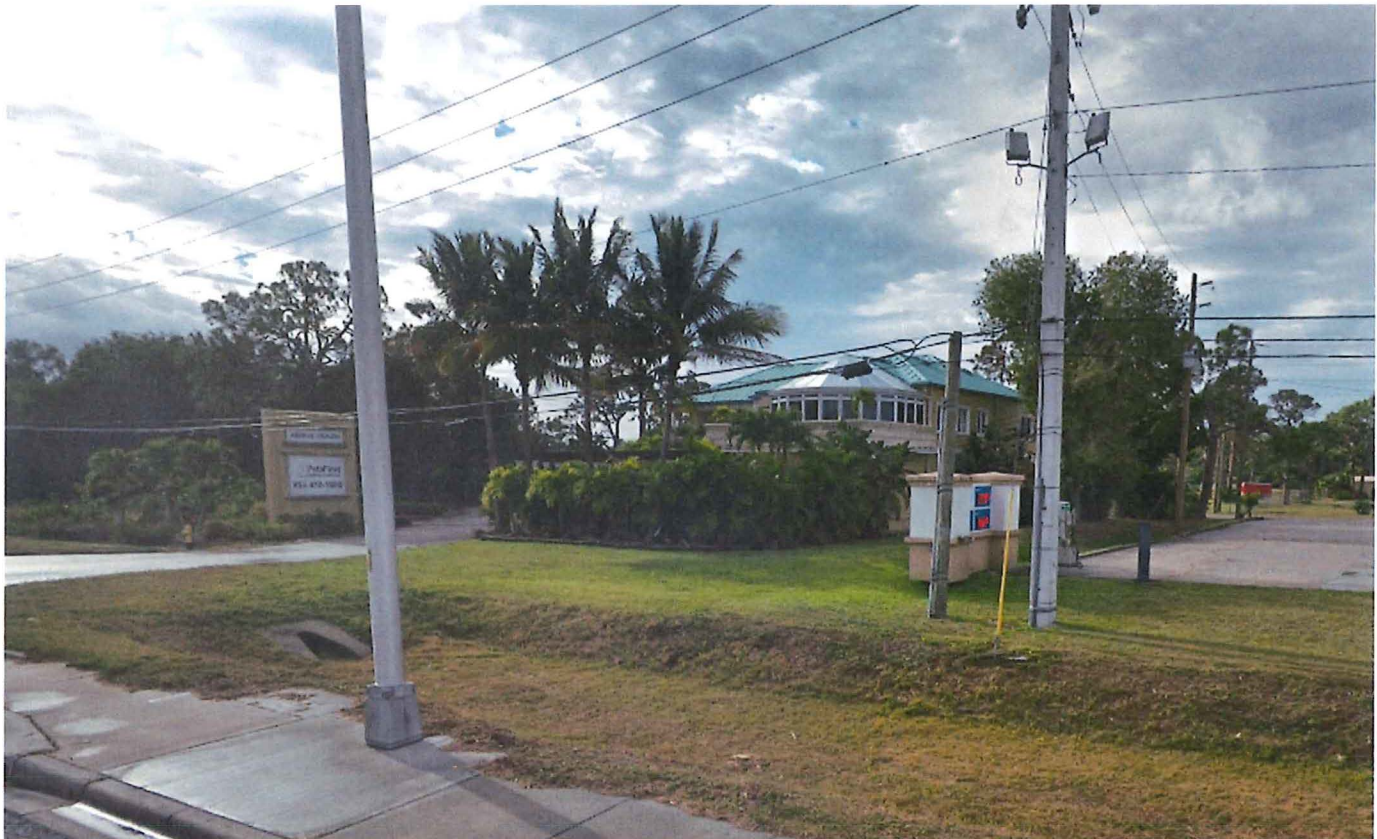
- There is no impact visually or otherwise to any abutting property, in fact, it creates consistency in the corridor.

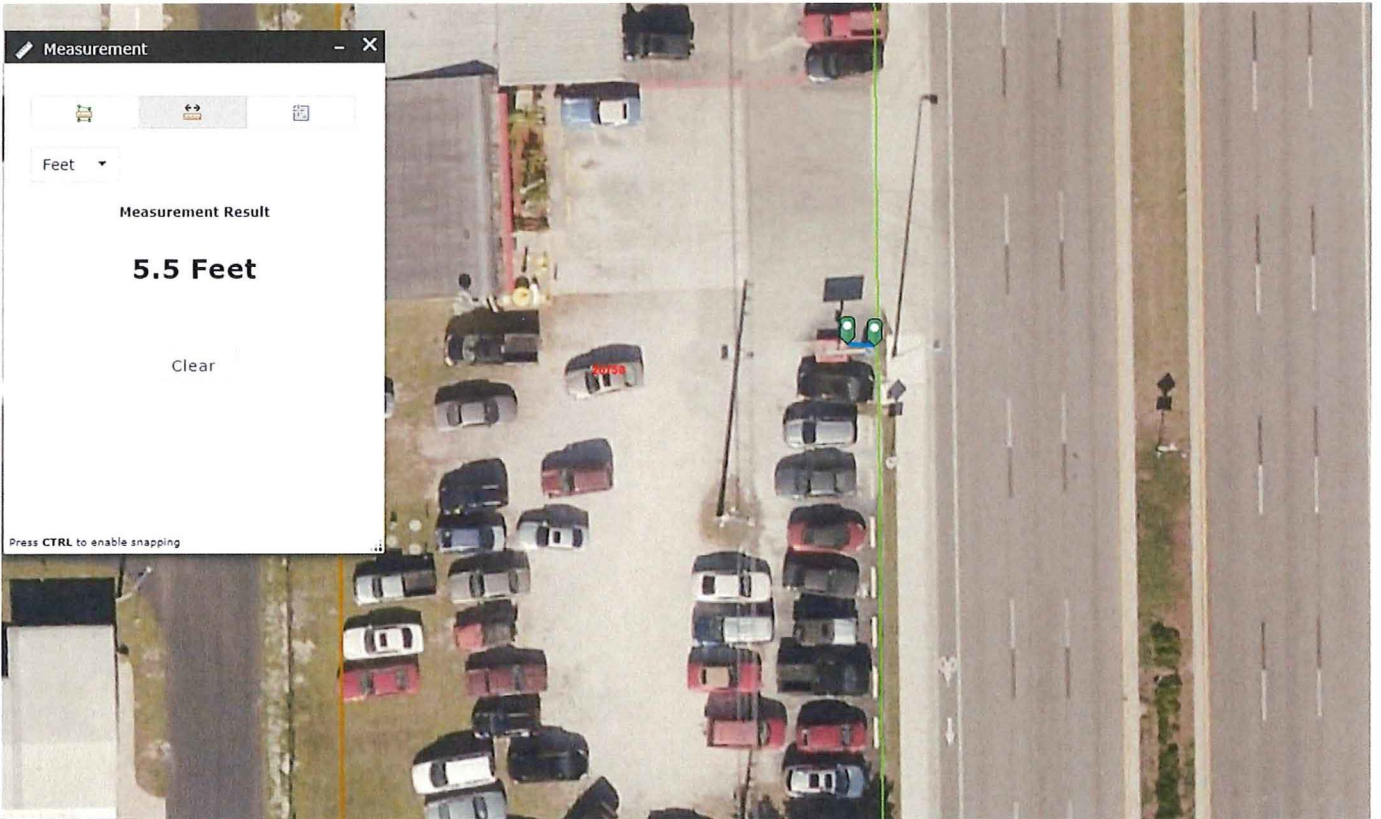
The Approval of this variance is no less consistent with the health, safety and welfare of the surrounding properties and the general public than the standard from which the variance is being requested and provides for appropriate design flexibility in a Mixed use Planned Development. This variance does not increase density or intensity. The variance is consistent with the Village of Estero Transitional Comprehensive Plan which allows for variances and deviations from the codes that apply to the application.

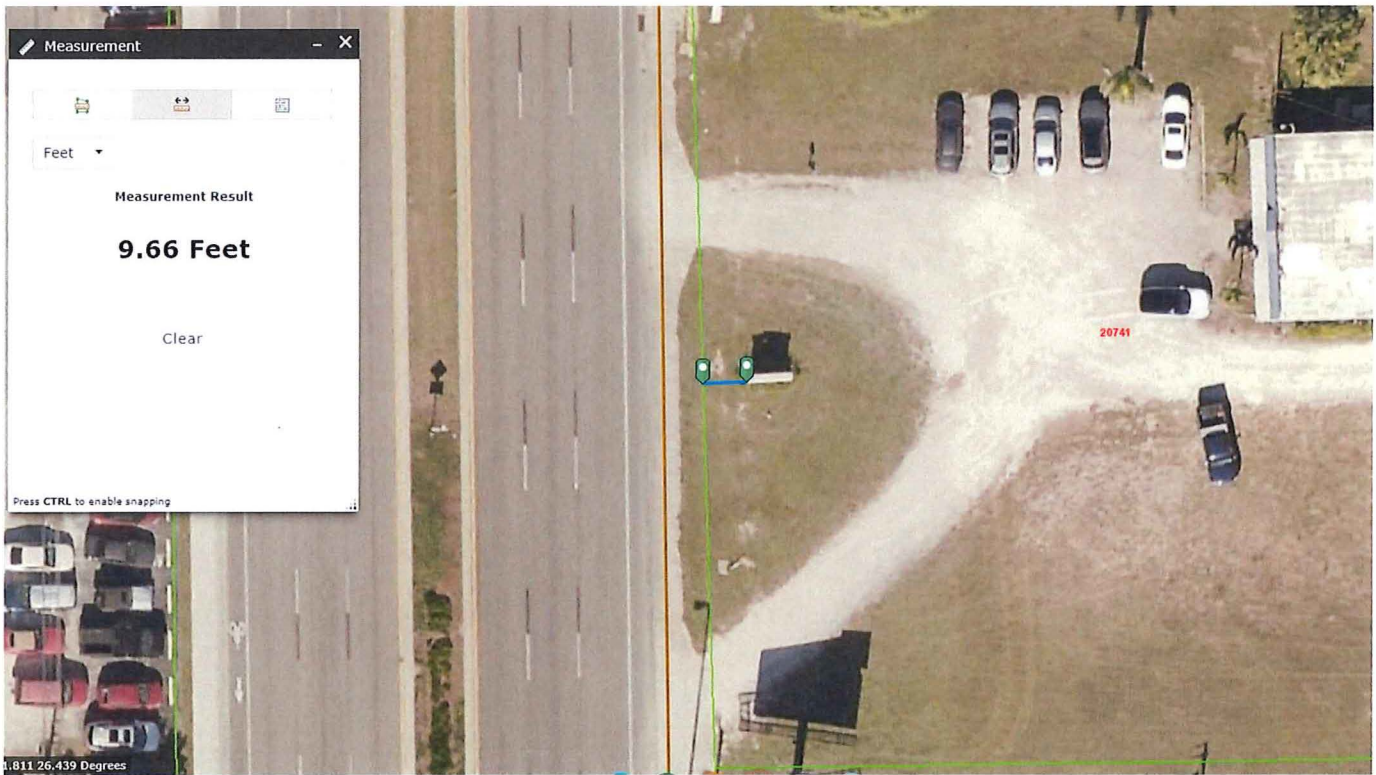
Appendix A – Signs in the Vicinity

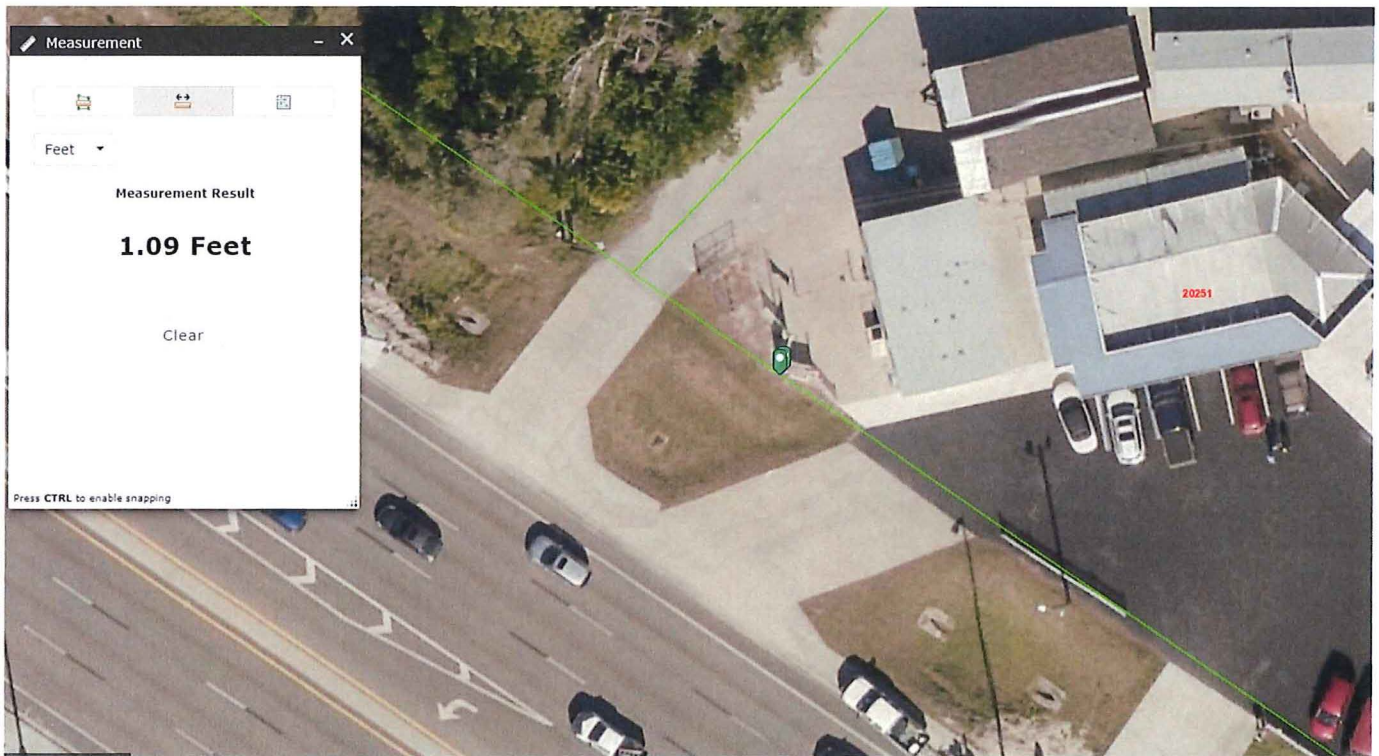


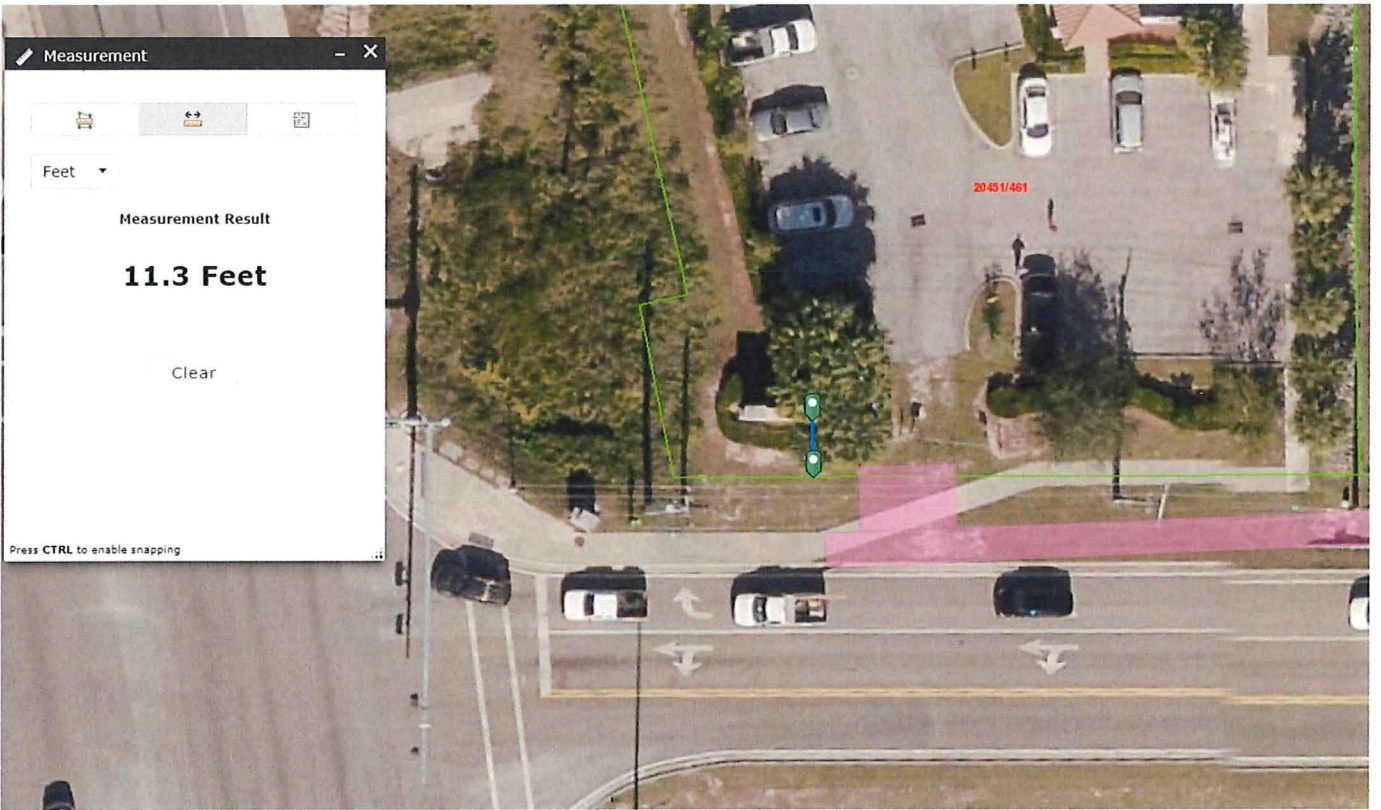


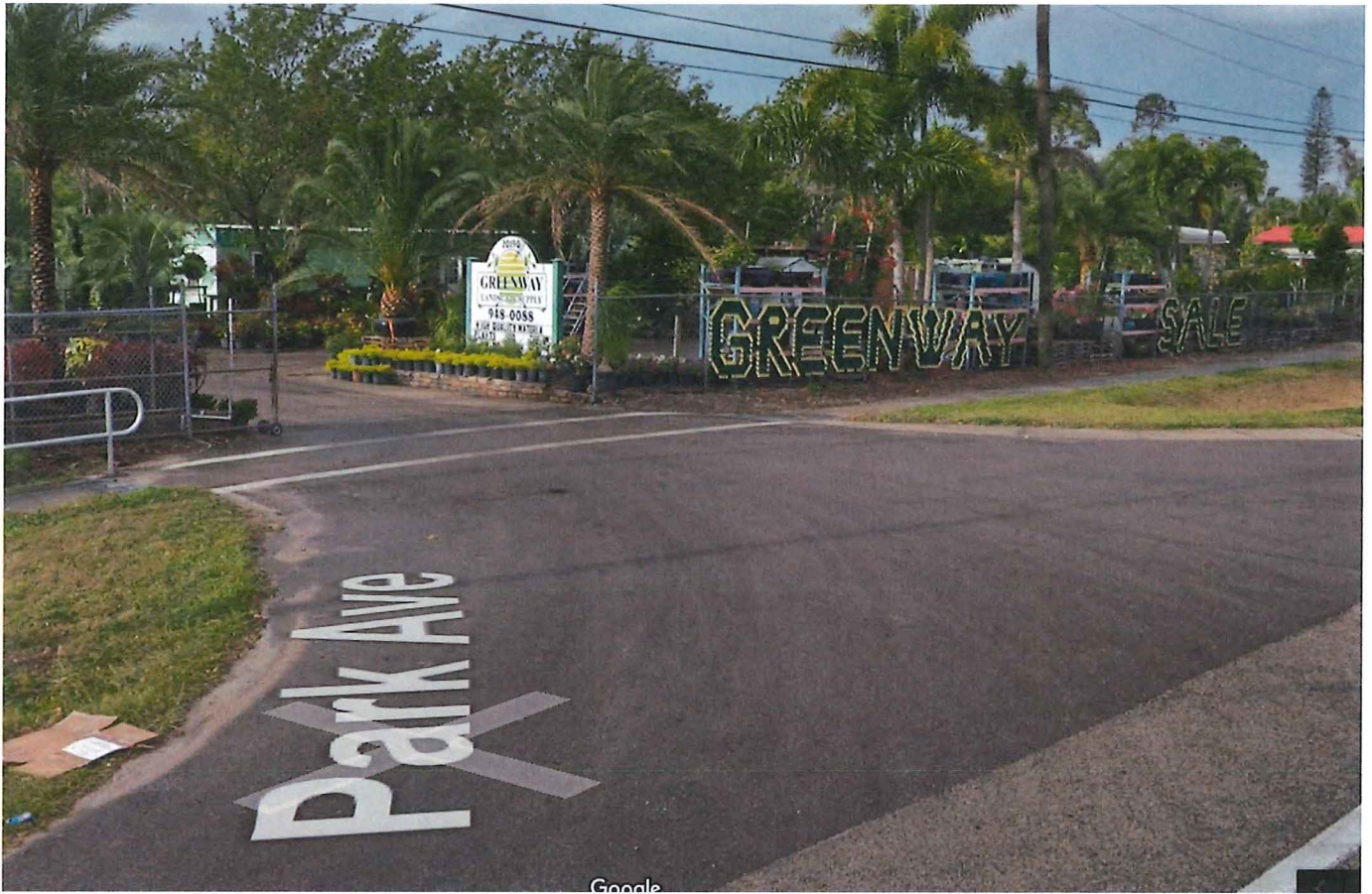




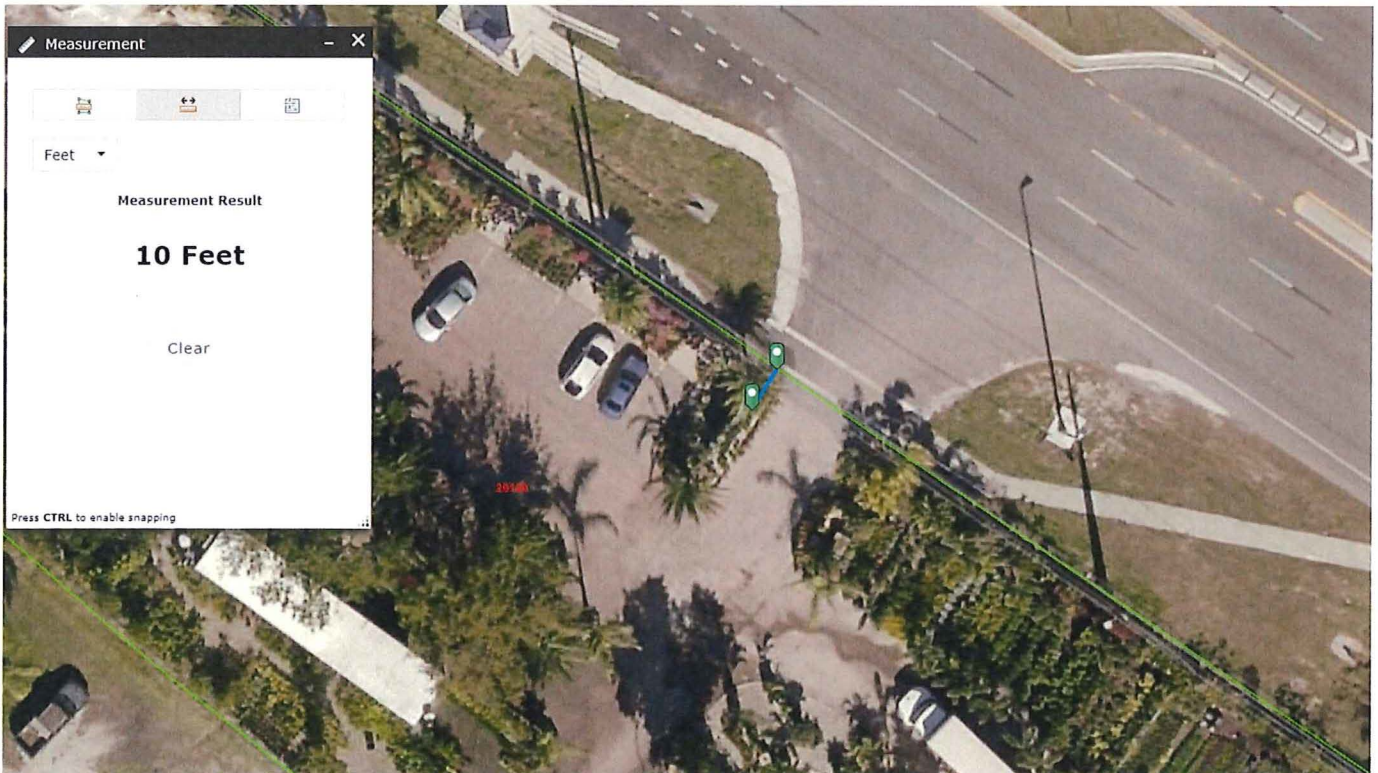








Google



Attachment C

