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**RESOLUTION NO. DRB 2019-01**

**ADMINISTRATIVE DEVIATION ADD2018-E002**

**ADMINISTRATIVE APPROVAL  
VILLAGE OF ESTERO, FLORIDA**

**WHEREAS**, Mike Lucido, Director of Real Estate for Aldi, Inc. Royal Palm Beach Division (“applicant”), filed an application for an administrative deviation per Transitional Land Development Code (LDC) Section 10-104 from the technical standards of LDC Section 10-285(a) to allow the following deviation:

- Deviation from LDC Section 10-285(a) to decrease the connection separation distance along US-41, an arterial street, from the minimum required 660 feet to a proposed distance of 415 feet to the south, and to 434 feet to the north, for the proposed access point for a proposed grocery store development.

**WHEREAS**, the property for which the deviation is requested is located at 19951 S. Tamiami Trail, Village of Estero, STRAP No. 21-46-25-E4-0100E.0010; and

**WHEREAS**, the property is zoned CC under the Village of Estero Transitional Land Development Code; and

**WHEREAS**, US-41/S. Tamiami Trail is functionally classified as a publicly maintained arterial street under the jurisdiction of Florida Department of Transportation (FDOT); and

**WHEREAS**, LDC Section 10-285(a) specifies a connection separation of 660 feet for arterial streets (measured from the edge of the outermost through lane of the roadway to the nearest edge of pavement of the proposed intersecting connection); and

**WHEREAS**, LDC Section 10-104(a)(3) provides for certain administrative deviations from the technical standards of Section 10-285(a); and

**WHEREAS**, the applicant is requesting a deviation to allow a connection separation of 415 feet to the south and 434 feet to the north for a proposed access point on S. Tamiami Trail/US-41; and

**WHEREAS**, access connections to the property are also provided to an access road to Vintage Parkway to the north and to a stub-out to Walmart to the south, both of which allow for additional ingress and egress to the development; and

**WHEREAS**, under the provisions of Ordinance 15-01 of the Village of Estero, the Design Review Board has been delegated the authority to make determinations which have any impact on building appearance and design, landscaping, hardscaping, pedestrian

47 and vehicular connectivity, open space, and the like, but not limited to site plans, requests  
48 for administrative deviations other than those related to height of buildings and  
49 structures; and

50  
51 **WHEREAS**, the following findings of fact are offered:

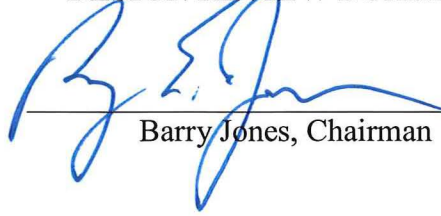
- 52  
53 1. The alternative connection spacing proposed to the standard listed in  
54 LDC Section 10-285(a) is based upon sound engineering practice since  
55 the proposed access points will permit the construction of a right turn  
56 lane consistent with the dimensional requirements of the Village Turn  
57 Lane Policy and FDOT standards.  
58  
59 2. The alternative proposed is no less consistent with the health, safety  
60 and welfare of abutting landowners and the general public than the  
61 standard from which the deviation is requested since the proposed  
62 access point has been conceptually approved by FDOT and is  
63 consistent with FDOT spacing standards for right-in /right out access  
64 on arterial streets.  
65  
66 3. The granting of the deviation is not inconsistent with any specific  
67 policy directive of the Village Council or any other ordinance or any  
68 provision of the Village of Estero Transitional Comprehensive Plan.  
69 There are interconnections to adjacent properties to provide  
70 connectivity in accordance with the Comprehensive Plan.  
71  
72 4. The Design Review Board has taken this action at a duly constituted  
73 public hearing after due public notice.  
74

75 **NOW, THEREFORE, IT IS HEREBY DETERMINED** that the application for  
76 administrative approval for the deviation to reduce the connection separation for the  
77 proposed access point on US-41 from 660 feet to 415 feet to the south and 434 feet to the  
78 north is APPROVED, subject to the following conditions:

- 79  
80 1. The connection separation and location of the proposed access point must be in  
81 compliance with the attached Exhibit entitled Access Separation Plan, Sheet 1,  
82 dated 2/27/2019.  
83  
84 2. The connection separation and location of the proposed access point is subject to  
85 the final approval and permitting by the Florida Department of Transportation.  
86

87 **PASSED AND DULY ADOPTED** this 24<sup>th</sup> day of April, 2019.  
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VILLAGE OF ESTERO, FLORIDA  
DESIGN REVIEW BOARD

  
Barry Jones, Chairman

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Attest:

By:   
Kathy Hall, MMC, Village Clerk

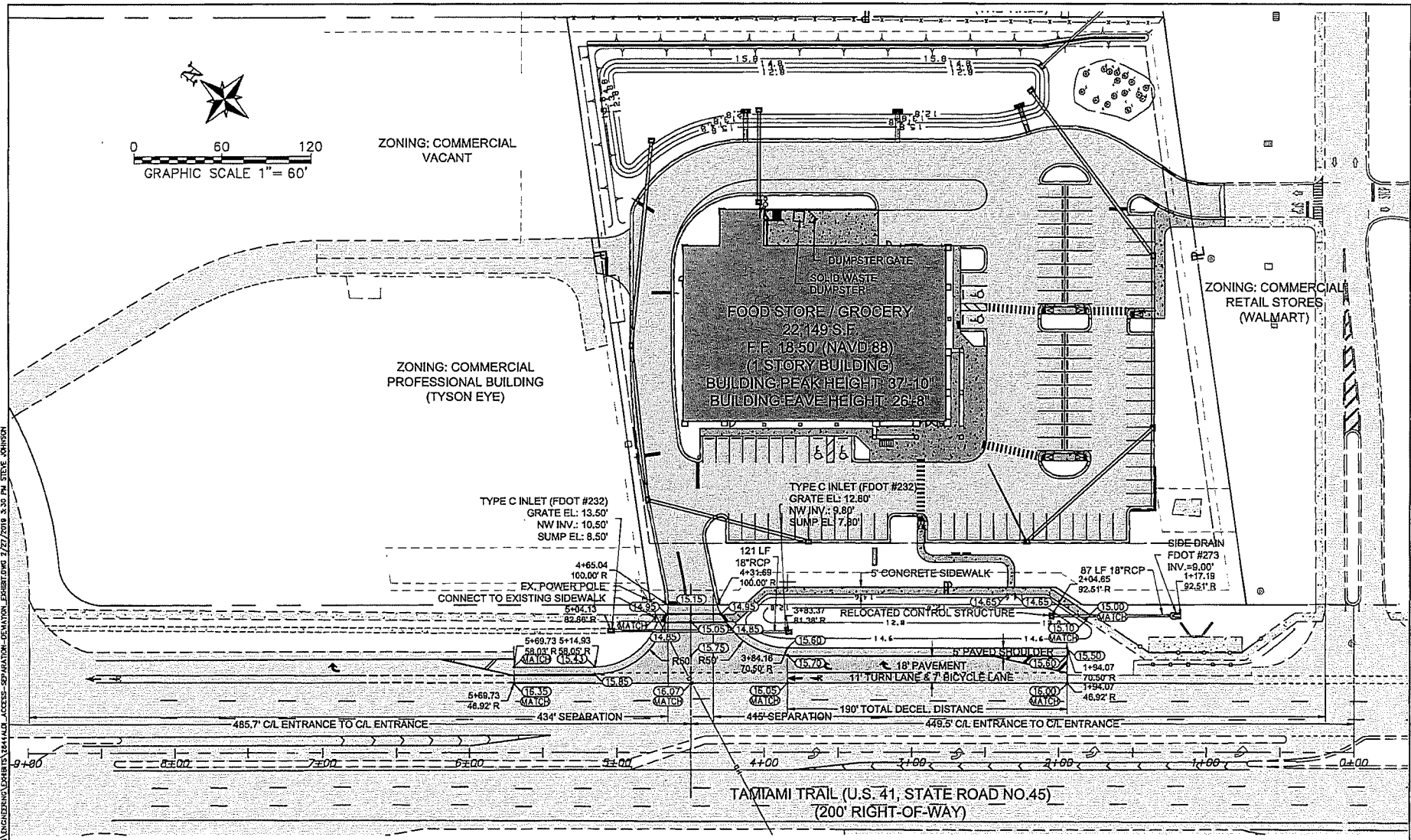
Reviewed for legal sufficiency:

By:   
Nancy Stroud, Esq., Village Land Use Attorney

**Vote:**

Barry Jones	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Thomas Barber	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
William Glass	Yes <input type="checkbox"/> <i>Absent</i>	No <input type="checkbox"/>
Michael Sheeley	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Zach Zachariah	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>

Exhibit A: Access Separation Plan, Sheet 1, dated 2/27/2019



SA:\BANKS\2844\LD\ENGINEERING\2844\BANKS\2844\LD\ACCESS-SEPARATION-ESTERO-TOWN-CENTER.DWG 7/27/2019 3:30 PM STEVE JOHNSON

PREPARED FOR  
**SG ESTERO LLC.**  
 1860 HIGHWAY AVE. STE 1001  
 MIAMI BEACH, FL 33139

NO.	DATE	REVISION DESCRIPTION

**BANKS ENGINEERING**  
 Professional Engineers, Planners, & Land Surveyors  
 Serving The Sun Belt Florida  
18111 W. WALKER COUNTRY COURT SUITE 1000 TAMPA FLORIDA 33613  
 PHONE (813) 839-3487 FAX (813) 839-3227  
 CHECKING ACCOUNT # 88 8488  
 SURVEY LICENSE # LA 34490  
 WWW.BANKSENG.COM

ACCESS SEPARATION									
ESTERO TOWN CENTER									
ESTERO, FLORIDA									
DATE	PROJECT	DRAWING	DESIGN	DRAWN	CHECKED	SCALE	SHEET		
2/27/2019	2844ALD1	JASB	SDJ	SDJ	SWM	1"=60'	1		

EXHIBIT A