



**VILLAGE OF ESTERO
ZONING
STAFF REPORT**

PROJECT NAME: COCONUT POINT HONDA
CASE TYPE: APPEAL OF PLANNING AND ZONING BOARD ACTION
COUNCIL DATE: OCTOBER 19, 2016

REQUEST

This is an appeal of the Planning and Zoning Board action on July 19, 2016. The applicant is appealing a tie vote regarding a request for a reduced setback on US 41 for a monument sign at the Coconut Point Honda dealership.

APPLICATION SUMMARY

Applicant: Coconut Point Ventures, LLC

Request: Appeal to Village Council regarding a tie vote to approve a request for a five foot setback from the US 41 Right-of-Way (R.O.W.) for the placement of a monument sign.

Location: The property is 5.8 acres and located at 22240 S. Tamiami Trail, Estero FL 33928 (Strap# 04-47-25-E1-U1893.2205).

BACKGROUND

The applicant filed a request for a reduced setback for a monument sign for the Honda dealership on US 41. The request was to reduce the setback from 15 feet to 5 feet. The Planning and Zoning Board heard the request on May 17, 2016 and a setback of 10 feet was approved. The applicant subsequently filed another request for a 5 foot setback which was heard on July 19, 2016 and resulted in a split decision on a motion to approve a 5 foot setback.

The applicant appealed the July 19, 2016 Planning and Zoning Board action pursuant to Ordinance 15-01. Section 2-9 of the ordinance allows *"Any party aggrieved by a decision of the Board shall, prior to seeking judicial review, file with the clerk within 30 days from the filing of the resolution a notice of appeal to the village council"*. The resolution was filed on July 19, 2016 and the applicant filed the appeal on August 12, 2016 within the deadline.

COUNCIL ACTION

According to Ordinance 15-01 once an appeal is filed, the Council shall hold a public hearing and *"shall affirm, reverse or affirm with modifications the decision of the Board."*

SUMMARY OF MEETINGS

A summary of all previous meetings relating to the monument sign is provided below:

October 14, 2015 – Design Review Board Public Hearing

The monument sign design was approved by the Design Review Board (DRB) on October 14, 2015.

May 17, 2016 – Planning and Zoning Board Public Hearing

The applicant requested to relocate the monument sign from the corner of US 41 and Atlantic Gulf Boulevard to a central location along the south bound side of US 41 and set back 5 feet from the US 41 R.O.W. The new location was partially located within an existing display area. According to the applicant, the existing plantings obstruct visibility of the sign from US 41, particularly from vehicles traveling in a northbound direction.

After discussion, the Planning and Zoning Board made a motion to approve the 5 foot set back. The vote was 3 to 3. Therefore, the motion failed. A second motion was made to approve a ten foot setback which was approved.

July 19, 2016 – Planning and Zoning Board Public Hearing

The applicant filed a new application and requested a reduced setback of 5 feet rather than the 10 feet that was previously approved by the Planning and Zoning Board.

After discussion a motion was made to approve the 5 foot setback. The vote was 3 to 3. Therefore, the motion failed. A second motion was made to deny the request, which failed on a 3 to 3 vote. As a result, the prior 10 foot setback remains in effect.

The Planning and Zoning Board discussion at both meetings included points both in favor and opposed to the reduced setback:

Opposed

- Reducing the monument sign to 5 feet from R.O.W. could create a precedent for future requests along the US 41 corridor.
- There is enough signage on and around the building for travelers along US 41 to identify the location of the Coconut Point Dealership.
- The need for the reduced set back was requested by the applicant and not unique to the property.

In Favor

- Open drainage along US 41 provides additional distance separation from the road to the sign.
- Some trees would block the view of the sign at 10 feet.
- The nearby Race Trac and Coconut Point Ford projects have setbacks of 5 feet and 6 feet.

STAFF ANALYSIS AND RECOMMENDATION

Staff believes that a 10 foot setback is appropriate and is in line with most other signs in the general area.

APPLICANT'S JUSTIFICATION FOR 5 FOOT SETBACK

The key points presented by the applicant at the Public Hearings are as follows:

- The applicant stated that a setback reduction to five feet from the R.O.W. rather than the 15 feet required by the LDC is equivalent to previous County approvals along the US 41 corridor. These approvals include the Ford monument sign (6 feet from R.O.W.) and the Race Trac LED monument sign (5 feet from R.O.W.).
- The applicant indicated that placing a sign at the previously approved location of 10 feet from the R.O.W. rather than the 15 feet required by the LDC would obscure the sign's visibility from US 41 because of the required landscaping in the buffer area. The applicant additionally states that the required buffer trees block the view.

Staff reviewed the applicant's key points and has the following comments:

- The straight alignment of the roadway at Honda's property allows for visibility to the sign at a setback of 10 feet. In the area of the proposed sign location an existing planted earthen berm is present. The proposed sign if built at a 10 foot setback would be located at an elevated location on the top of the berm. Views to the sign from the roadway will be direct. Staff believes that the 2 to 4 Royal Palms that the applicant states will obscure the visibility of the sign can be re-located to another location on-site within the required buffer.
- The applicant submitted presentation exhibits to staff prior to the July 19, 2016 public hearing. One of the exhibits illustrates eight neighboring monument sign locations which were previously approved by Lee County with varying setback distances along US 41. The signs are located within a half mile of Coconut Point Honda. Staff reviewed the setback distances from the previously approved monument signs and found that the average setback distance from the R.O.W. was approximately 11.8 feet. A copy of the July 19, 2016 public hearing presentation exhibits is found in Attachment B.
- Only one project has been approved by the Village for a 5 foot setback. Laser Lounge, located near Estero Parkway was granted a setback reduction of 5 feet from the R.O.W. This reduction was granted due to the curvature of the road. The Autumn Leaves monument sign is located to the south and less than a half mile from Coconut Point Honda. This monument sign setback was reduced to 10 feet from the R.O.W. due to the shape and location of the sign.

ATTACHMENTS

- A. Appeal Application and Additional Information
- B. Applicant's July 19, 2016 Presentation Exhibits

CONTROL

ATTACHMENT A

Prepared By _____
Approved By C. Sahul
8/15/16

**NOTICE OF APPEAL OF ESTERO PLANNING AND ZONING BOARD ACTION (TIE VOTE)
TO VILLAGE OF ESTERO COUNCIL**

An action of the Planning and Zoning Board may be appealed by the Applicant to the Village of Estero Council.

The appealing party must file a Notice of Appeal no later than 30 calendar days after the Planning and Zoning Board action. The Notice of Appeal must be filed with the Department of Community Development (DCD).

Case Number Being Appealed: ADD2016-E007



**PART 1.
APPELLANT DATE**

- A. Name of Appellant: Coconut Point Ventures, LLC
Mailing Address: c/o Roetzel & Andress, 2320 First Street, Fort Myers, FL 33901
Phone: 239-338-4207 Fax: 239-337-0970
- B. Name of Agent or Representative: Roetzel & Andress
Mailing Address: c/o Beverly Grady, 2320 First Street, Fort Myers, FL 33901
Phone: 239-338-4207 Fax: 239-337-0970
- C. Name of Property Owner: Coconut Point Ventures, LLC
Mailing Address: 7200 Blanding Boulevard, Jacksonville, FL 32244
Phone: 904-777-5600



**PART 2.
SUBJECT OF APPEAL BEING REQUESTED**

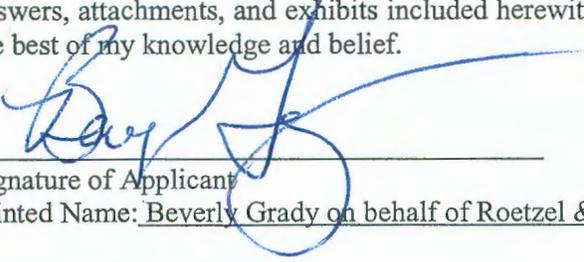
- A. Action being appeal: Planning and Zoning Board July 19, 2016 tie vote (see attached)
- B. Summarize the action that is being appealed.
See attached Reason for Appeal Regarding Monument Sign for Honda
- C. Specifically state the error you believe the administrative official made, the relief sought, and the legal basis for the requested relief.
A tie vote is not a denial and is not a decision. Appellant presented sufficient evidence to support approval of deviation for monument sign setback

**PART 3.
SITE SPECIFIC DATA**

- A. STRAP NO. of Subject Property: 04-47-25-E1-U1893.2205
- B. Street Address of Subject Property: 22240 South Tamiami Trail, Estero, FL 33928

PART 4.
CERTIFICATION

I, Beverly Grady on behalf of Roetzel & Andress, being first duly sworn, deposes and says that the answers, attachments, and exhibits included herewith as a part of this application are accurate and true to the best of my knowledge and belief.



Signature of Applicant
Printed Name: Beverly Grady on behalf of Roetzel & Andress

Date: August 12, 2016

STATE OF FLORIDA)
) §:
COUNTY OF LEE)

The foregoing instrument was sworn to (or affirmed) and subscribed before me on August 12, 2016 by BEVERLY GRADY, who is personally known to me.



[NOTARY STAMP / SEAL]



Notary Public

REASON FOR APPEAL REGARDING MONUMENT SIGN FOR HONDA

On behalf of Coconut Point Ventures, LLC (“Honda”) this is an appeal of the Estero Planning and Zoning Board (P&Z) tie vote on a motion to approve Honda’s request for a five foot (5’) setback for a monument sign, which was followed by a tie vote on a motion to deny. Therefore, no motion was adopted by the P&Z and no decision was made by the P&Z on Honda’s request for a five foot (5’) setback from its property line for its monument sign. The design of the monument sign is attached as Exhibit A to this request.

The Village attorney gave the opinion at the July 19, 2016 P&Z meeting and by the attached email that a tie vote was a decision and that the only Land Development Code provision dealing with a tie vote (which automatically continues the matter to the next meeting) did not apply (Exhibit B). Although we disagree and respectfully submit that the Code provision on tie votes does apply in Estero, the only relief available to Honda is to file this appeal of a tie vote to the Village Council. The Honda request is for a setback deviation of five feet (5’) from the right-of-way line for the Honda monument sign, which is proposed to be located the equivalent distance from the right-of-way as approved for the neighboring Ford dealership monument sign and the RaceTrac LED sign. The Ford sign was approved to be located six feet (6’) from the right-of-way and the RaceTrac sign was approved to be located five feet (5’) from the right-of-way line (Exhibits C and D respectively).

Requiring a ten foot (10’) setback for the monument sign places the sign in the midst of the landscape buffer surrounded by shrubs and trees. Currently, the shrubs are newly planted so the request must be evaluated recognizing that the height of the shrubs will be at least 36 inches as trimming is precluded below that height. The shrubs in connection with the newly planted trees will block visibility of the sign, rendering difficult and reduced visibility. The purpose of the monument sign is compromised

The design of the landscape buffer places the taller shrubs and the trees in the ten feet (10’) further away from U. S. 41 right-of-way/property line and the lower shrubs and ground cover in the ten feet (10’) closer to U. S. 41 right-of-way/property line. Therefore, it is important to have the five foot (5’) setback so that the sign will have visibility in the same manner as its neighbors, the RaceTrac and the Ford dealership. Today, Honda is requesting fairness in receiving and playing by the same rules as the Ford dealership and RaceTrac to receive a deviation to place its monument sign five feet (5’) from the U. S. 41 right-of-way. See Exhibit E, Honda Site Plan.

Land Use Background of the Commercial Planned Development:

On September 15, 1997, a 24.16 acre tract of land was rezoned to Commercial Planned Development (CPD) which provided for two (2) original access points. The CPD provided for the same uses on the entire tract and provided for the same conditions of development to be applied to this unified development.

The Property was ultimately developed from the south to the north as follows:

Ford dealership
RaceTrac gas and convenience store
Honda dealership

The planned development regulations provided for unified control. The planned development provides for internal integration of the new developments, provides for consistency and visual harmony through various techniques including screening and buffering, and signage and architecture, and landscape design. Here Honda has diligently worked to achieve the architectural design control and landscaping requirements of the Estero community and is requesting consistent signage rules applicable to this CPD. Every CPD is an individual case with uses, conditions and deviations that only apply to that planned development. No two planned developments are alike because each has a unique site plan and conditions that are tailored to that development. Therefore, there is no precedent being set in granting the equivalent relief to the Honda dealership that has been granted to the remaining property in the same CPD.

As actual development took place, several administrative amendments and deviations were approved to accomplish quality development. A relocation of the original southerly access (to benefit the RaceTrac) and the addition of a third access (to benefit the Ford dealership) was granted. The middle access now moved to the south from its original location is placed entirely on the Honda dealership parcel but it is the ingress and egress that serves RaceTrac. This is an example of how a planned development encourages development that works together and can result in the situation where one privately-owned parcel serves as the full access point for another privately-owned parcel.

If one reviews the land use history after the original granting of the CPD zoning on the parent tract of land, the Ford dealership parcel received the benefit of the following modifications:

ADD2001-00179
ADM2000-00003
ADM2001-00016

The RaceTrac tract received the benefit of the following modifications and deviations:

ADD2001-00179
ADD2008-00029
ADD2013-00126
ADD2013-00085

ADD2013-00126 granted deviation relief to the Ford dealership to place its monument sign six feet (6') from U. S. 41 right-of-way.

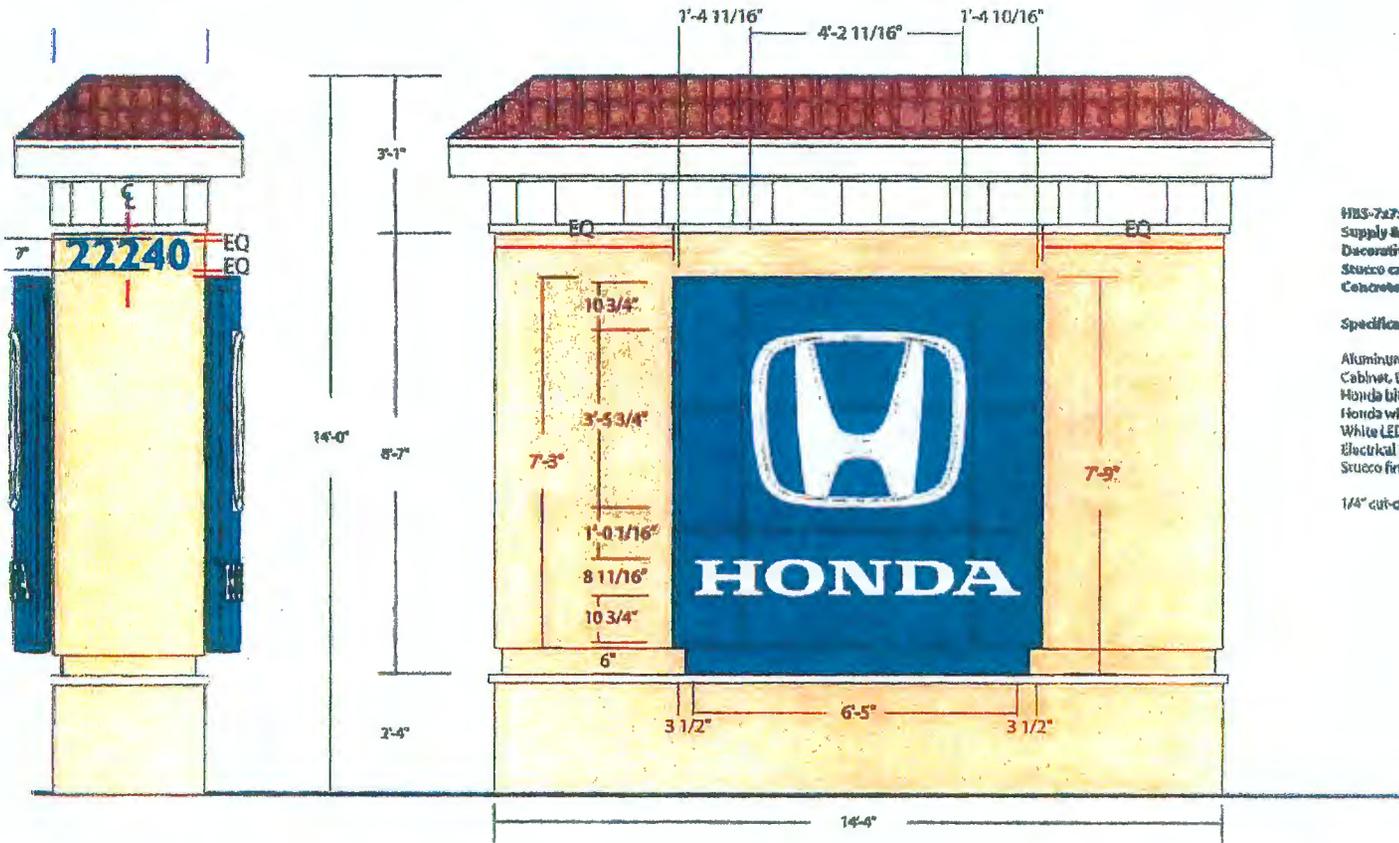
ADD2013-00085, granted deviation relief for RaceTrac to place a LED sign and to approve a five foot (5') setback from U. S. 41 right-of-way.

The Ford dealership sign is larger than the Honda sign and is attached to this request and reflects that is 22.5 feet in width and 17 feet in height compared as Exhibit F to the Honda monument sign is 14.4 feet in width and 14 feet in height.

In addition, if the sign is required to be placed at a ten foot (10') setback from the east property line/U. S. 41 right-of-way line, then the Honda sign which has been approved extends substantially into its approved display area which is depicted on the development order reducing the ability to display its vehicles.

It is important to recognize that the current regulations regarding the setback for signage require the same setback regardless of the width of the right-of-way and regardless of the physical distance between the location of the sign and the actual location of the traveled-way pavement. Here the sign is on one of the largest rights-of-way in Lee County resulting in significantly larger effective setback from the existing pavement. Attached is a cross-section that illustrates the east property line/right-of-way line and then illustrates the extensive distance before one reaches the actual traveled-way of U. S. 41. From the property line there is a 19-foot green area which includes the FDOT swale, 1-foot green space then a 5-foot sidewalk, a 3-foot green space area, then a 5-foot paved shoulder, then a bike lane before reaching the first travel lane of U. S. 41. Therefore, this actual setback is effectively much greater than the requested five foot (5') setback. See Exhibit G.

Today Honda is requesting fairness in having consistent setbacks for signage in the CPD as granted to Ford and RaceTrac to place its monument sign five feet (5') from U. S. 41 right-of-way. Our proposed relief of approval is set forth in Exhibit H.



HRS-7x7x7 - GEN 3 - CUSTOM
 Supply & Install (1) One New Detachable Face Illuminated Pylon.
 Decorative terra cotta copper.
 Stucco casing.
 Concrete base.

Specifications:

Aluminum construction
 Cabinet, ENT retainers & escutcheon painted to match Honda Blue (PMS 385c)
 Honda blue acrylic molded faces
 Honda white acrylic molded cap on logo and letters
 White LED illumination
 Electrical hook-up by others
 Stucco finish

1/4" cut-out letters pinmounted flat to face

EXHIBIT A



330 N. Cedar Bluff Rd. - Suite 301 - Knoxville, TN, 37923
 Tel: (866) 883-1103 - Fax: (866) 884-1103 - Toll Free: (866) 218-1978

Customer Approval:

Date: _____
 www.pattisonsign.com



Coconut Point Honda - 208893	
22240 Yamami Trail, Estero FL	
Cathy Farmer	26 JUL 2019
PL (R3'E Violante)	3 8 4 1 0
15-Y18	R3 32APR19

Grady, Beverly

From: Grady, Beverly
Sent: Thursday, July 21, 2016 4:14 PM
To: 'Nancy Stroud'
Cc: Mary Gibbs
Subject: RE: Honda variance

Nancy,

Thanks for the prompt response.

So to be clear, the Village's position is that the failure to adopt any motion is still action by the P&Z Board where the only remedy is to appeal the tie vote to the Council. We disagree and believe that the Lee Land Development Code addresses a tie vote by a board that hears a zoning request. A tie vote is no decision. Ordinance 15-01 provides that the P&Z Board approve, deny or approve with conditions an application for administrative amendments, deviations, special exceptions and variances. **P&Z did none of the above on July 19th and made no decision - no motion was adopted.** Of course in the Lee Land Development Code the only "board" to hear a zoning application is the county commission - in the Lee system there is only one board. Since the Lee regulations apply in the Village of Estero (except where the Village adopts new regulations) only the Lee regulations deal with a tie vote of a board and that tie vote provision should be applicable to a board that has the power to issue final decisions on certain zoning applications. The tie vote provision states that the item is continued to the next meeting of the board.

So I will advise the applicant, that the Village's position is that a tie vote is a decision and under Ordinance 15-01, an aggrieved party can appeal a P&Z decision (a P&Z tie vote) to Council which is the only remedy that the Village apparently finds to be available.

Please advise if I do not have the Village's position stated correctly.

I hope you have a wonderful trip

Thanks,
Beverly

-----Original Message-----

From: Nancy Stroud [<mailto:NStroud@lsdlaw.net>]
Sent: Thursday, July 21, 2016 2:57 PM
To: Grady, Beverly
Cc: Mary Gibbs
Subject: Honda

Hi Beverly,

It was nice to talk with you this afternoon. I had a chance to review the section of the code you referred me to. It is my opinion that **it does not apply to the Planning and Zoning Board nor to a** decision on a deviation which was involved. The section applies to the elected board (in the Village's case the Council) and to rezonings, special exceptions, and variances.

Thank you for bringing it to my attention.

Best regards
Nancy

Sent from my iPhone

- (4) *Decisions and authority.*
- a. In exercising its authority, the Board of County Commissioners:
 1. May approve the request, deny the request, or remand case for further proceedings before the Hearing Examiner. In reaching its decision, the Board may, but is not required to, adopt the Hearing Examiner's recommendation, Staff's recommendation, or the Applicant's recommendation. The Board may render its own decision based on competent substantial evidence presented in the Record. Unless otherwise provided by the Board, a decision to adopt the recommendation by the Hearing Examiner, Applicant, or Staff will include the written findings, conclusions, and conditions provided in the applicable recommendation.
 2. May not approve a rezoning other than the rezoning published in the newspaper unless the change is more restrictive than the proposed rezoning published.
 3. Has the authority to attach such conditions and requirements to any approval of a request for a special exception, development of regional impact, planned development, mine excavation planned development, use of TDR or affordable housing bonus density units in conjunction with a rezoning request, or variance within their purview, deemed necessary for the protection of the health, safety, comfort, convenience or welfare of the general public. These conditions and requirements must be reasonably related to the action requested.
 4. In the case of an appeal of a Hearing Examiner decision pertaining to wireless communication facilities, the Board of County Commissioners must consider the decision as a recommendation only and may, in conformity with the provisions of this chapter, reverse, affirm or modify the decision of the Hearing Examiner, or remand the case to the Hearing Examiner.
 - b. The decision of the Board of County Commissioners on any matter listed in this subsection (b) is final. If there is a tie vote, the matter considered will be continued until the next regularly scheduled meeting for decisions on zoning matters by the Board of County Commissioners, unless a majority of the members present and voting agree by motion, before the next agenda item is called, to take some other action. Such other action may be moved or seconded by any member, regardless of his vote on any earlier motion.
 - c. Any denial by the Board of County Commissioners is denial with prejudice unless otherwise specified by the Board of County Commissioners.
- (5) *Judicial review.* Judicial review of final decisions under this section must be in accordance with section 34-85.
- (6) *Remand by Board of County Commissioners.* An application remanded for further consideration must be brought to hearing before the Hearing Examiner within six months of the date the remand order is rendered. If the application is not brought forward as ordered within six months, it will be deemed withdrawn. Thereafter, the applicant will be required to file a new application for consideration by the Hearing Examiner and the Board.
- (7) In matters that were first heard by the Hearing Examiner, only individuals who participated during the proceedings before the Hearing Examiner will be afforded the right to address the Board of County Commissioners. This prohibition does not apply to the Board's legal counsel, County staff whose sole purpose is to facilitate the zoning hearing, individuals who were represented by legal counsel during the hearing before the Hearing Examiner, or legal counsel representing an individual that testified during the hearing. Notwithstanding, the testimony presented to the Board will be limited to the testimony presented to the Hearing Examiner,

ADMINISTRATIVE AMENDMENT (PD) ADD2013-00126

ADMINISTRATIVE AMENDMENT
LEE COUNTY, FLORIDA

WHEREAS, Charles Basinait filed an application for administrative approval to the Commercial Planned Development (CDP) zoning for Coconut Point Ford **to replace an existing monument sign and add a deviation from LDC Section 30-153(3)e. requiring a 15 foot setback from any right-of-way or easement to allow the sign to be 6 feet from the right-of-way.**

WHEREAS to subject property is located at 22400-450 S. Tamiami Trail, described more particularly as:

LEGAL DESCRIPTION: In Section 04, Township 47 South, Range 25 East, Lee County, Florida:

ATTACHED AS EXHIBIT "1"

WHEREAS, the property was originally rezoned by adoption of Zoning Resolution Z-97-050 (with subsequent amendments in Case Numbers ADD2001-00179 and ADD2008-00029, along with the pending case ADD2013-00085); and

WHEREAS, the subject property is located in the Suburban Future Land Use Category as designated by the Lee County Comprehensive Plan; and

WHEREAS, the Lee County Land Development Code provides for certain administrative changes to planned development master concept plans and planned unit development final development plans; and

WHEREAS, the subject application and plans have been reviewed by the Lee County Department of Community Development in accordance with applicable regulations for compliance with all terms of the administrative approval procedures; and

WHEREAS, the subject property is located within the Estero Planning Community requiring this amendment to be presented to the community through a public informational meeting; and

WHEREAS, a public information meeting was held on July 10, 2013; and

WHEREAS, the sign has been reviewed by the Sign Inspector finding the sign is in compliance with the size and height for a sign, and the closer setback should not be a problem; and

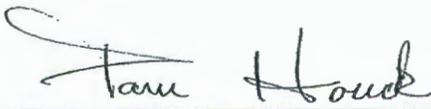
WHEREAS, Environmental Sciences finds the sign can be approved subject to receiving approval of a local development order: and

WHEREAS, it is found that the proposed amendment does not increase density or intensity within the development; does not decrease buffers or open space required by the LDC or the conditions of the Commercial Planned Development zoning; does not underutilize public resources or infrastructure; does not reduce total open space, buffering, landscaping or preservation areas; and does not otherwise adversely impact on surrounding land uses.

NOW, THEREFORE, IT IS HEREBY DETERMINED that the application for administrative approval **to replace an existing monument sign and add a deviation from LDC Section 30-153(3)e. requiring a 15 foot setback from any right-of-way or easement to allow the sign to be 6 feet from the right-of-way** amending the existing CPD zoning is **APPROVED**, subject to the following conditions:

1. The terms and conditions of the original zoning resolution (as amended) remain in full force and effect, except as amended herein.
2. No changes to the approved Master Concept Plan have been granted as part of this approval.
3. Deviation from LDC Section 30-153(3)e. reducing the setback for a sign from 15 feet from a right-of-way to 6 feet is hereby APPROVED. The approved sign must be substantially consistent with Exhibits 2, 3, and 4.
4. The owner must obtain a local development order in accordance with Lee County LDC Chapter 10 for the landscaping relocation and the new sign placement.
5. If it is determined that inaccurate or misleading information was provided to the County or if this decision does not comply with the LDC 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.

DULY PASSED AND ADOPTED ON 10/2/2013

BY: 

Electronically Signed by
Pam Houck, Director
Division of Zoning
Department of Community Development

EXHIBITS:

1. Sketch and Legal Description
2. ford sign
3. Proposed Sign Location
4. Sign plan



Bean, Whitaker, Lutz & Kareh, Inc.

13041 McGregor Boulevard
Fort Myers, Florida 33919-5910
email - fmooffice@bwlk.net
(Ph) 239-481-1331 (Fax) 239-481-1073

APPROVED
ADD2013-00126
Chick Jakacki, Planner
Lee Co Division of Zoning
10/1/2013

Description of a Parcel of Land
Lying in
Section 4, Township 47 South, Range 25 East
Lee County, Florida
(Coconut Point Ford - Boundary)

As recorded in Official Record Book 3583 at Page 2498:

A tract or parcel of land lying in Section 4, Township 47 South, Range 25 East, Lee County, Florida, being described as follows:

Commence at the Southwest corner of the Northeast quarter of said Section 4, run North 88°25'47" East (basis of bearings) along the East-West quarter section line for 118.32 feet to a point on the westerly right of way of U.S. 41 (Tamiami Trail, S.R. 45, 200 feet wide); thence run South 06°41'21" East along said right-of-way line for 95.11 feet to the Point of Beginning; thence run South 83°18'39" West for 500.00 feet to a line common with a tract or parcel of land described in Official Record Book 1775 at Page 2026 of the Public Records of Lee County, Florida; thence run North 06°41'21" West along said common line for 303.38 feet to a point of curve (as measured concentric to and lying 500.00 feet westerly to said right-of-way line) to the right having a radius of 3432.79 feet and a central angle of 10°13'21"; thence run along the arc of said curve for 612.47 feet; thence run along a radial line to said curve South 86°28'00" East for 500.00 feet to said westerly right-of-way line and said point being a point on a curve having a radius of 2932.79 feet and a central angle of 10°13'21"; thence run along the arc of said curve and right-of-way line for 523.26 feet to a point of tangent; thence run South 06°41'21" East along said right of way line for 303.38 feet to the Point of Beginning.

Containing 10.00 acres, more or less.

Bean, Whitaker, Lutz & Kareh, Inc. (LB4919)


Scott C. Whitaker, P.S.M. 4324

34583_DESC9

9/23/13

PRINCIPALS:

SCOTT C. WHITAKER, PSM, PRESIDENT
JOSEPH L. LUTZ, PSM
AHMAD R. KAREH, PE, MSCE, VICE PRESIDENT

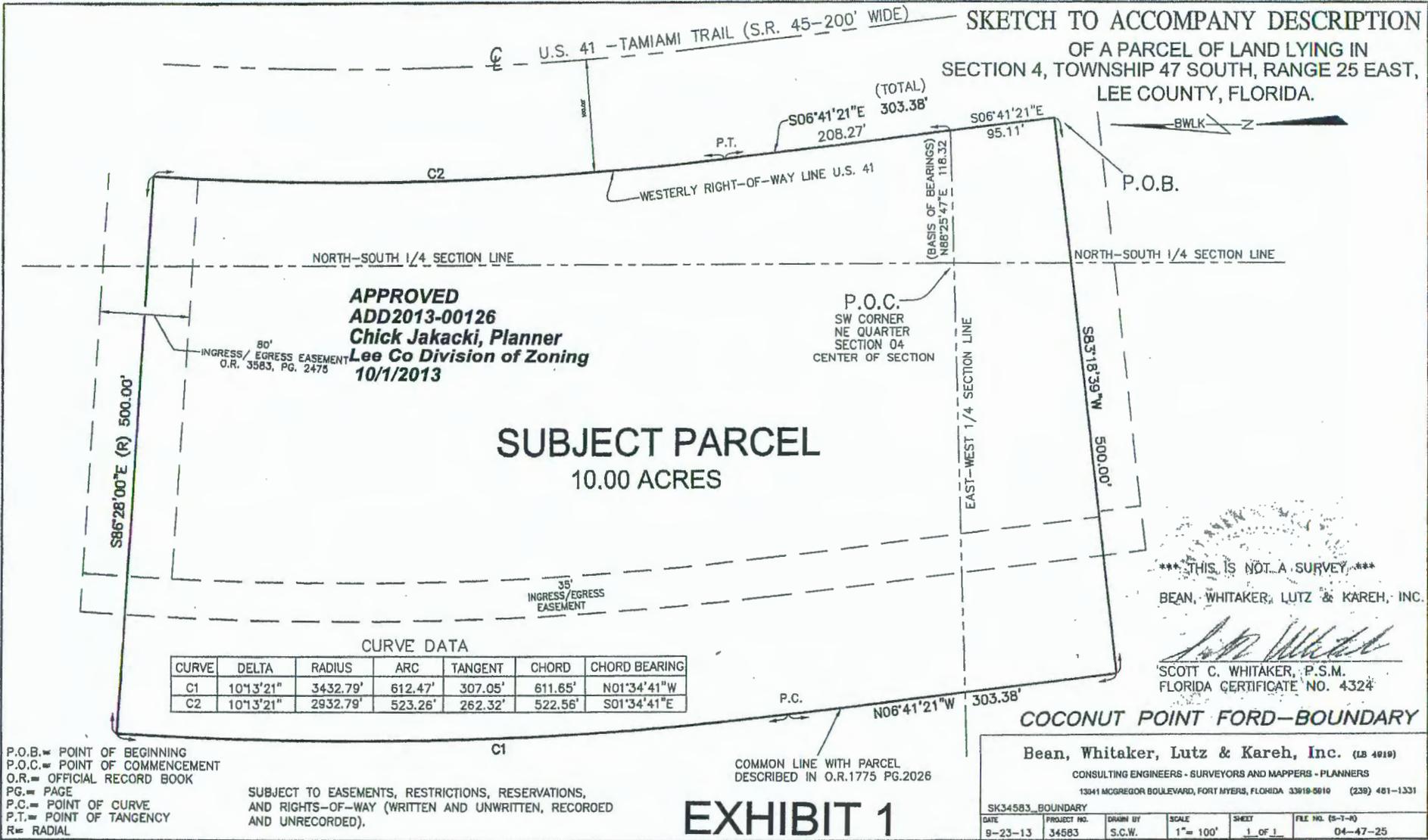
CONSULTING ENGINEERS - SURVEYORS AND MAPPERS - PLANNERS



EXHIBIT 1

ASSOCIATES:

JAMES A. HESSLER, PSM
CHRISTEN N. ALPEN, PSM
MUNIR R. SULEH, PE, M.S.E.E.



SKETCH TO ACCOMPANY DESCRIPTION OF A PARCEL OF LAND LYING IN SECTION 4, TOWNSHIP 47 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA.

APPROVED
ADD2013-00126
Chick Jakacki, Planner
Lee Co Division of Zoning
10/1/2013

SUBJECT PARCEL
10.00 ACRES

CURVE DATA

CURVE	DELTA	RADIUS	ARC	TANGENT	CHORD	CHORD BEARING
C1	10°13'21"	3432.79'	612.47'	307.05'	611.65'	N01°34'41"W
C2	10°13'21"	2932.79'	523.26'	262.32'	522.56'	S01°34'41"E

*** THIS IS NOT A SURVEY ***
 BEAN, WHITAKER, LUTZ & KAREH, INC.

 SCOTT C. WHITAKER, P.S.M.
 FLORIDA CERTIFICATE NO. 4324

P.O.B. = POINT OF BEGINNING
 P.O.C. = POINT OF COMMENCEMENT
 O.R. = OFFICIAL RECORD BOOK
 PG. = PAGE
 P.C. = POINT OF CURVE
 P.T. = POINT OF TANGENCY
 R = RADIAL

SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS,
 AND RIGHTS-OF-WAY (WRITTEN AND UNWRITTEN, RECORDED
 AND UNRECORDED).

EXHIBIT 1

COCONUT POINT FORD-BOUNDARY

Bean, Whitaker, Lutz & Kareh, Inc. (LB 4019)
 CONSULTING ENGINEERS - SURVEYORS AND MAPPERS - PLANNERS
 13041 MCGREGOR BOULEVARD, FORT MYERS, FLORIDA 33919-8610 (239) 461-1331

SK34583_BOUNDARY	DATE	PROJECT NO.	DRAWN BY	SCALE	SHEET	FILE NO. (S-T-R)
	9-23-13	34583	S.C.W.	1" = 100'	1 OF 1	04-47-25

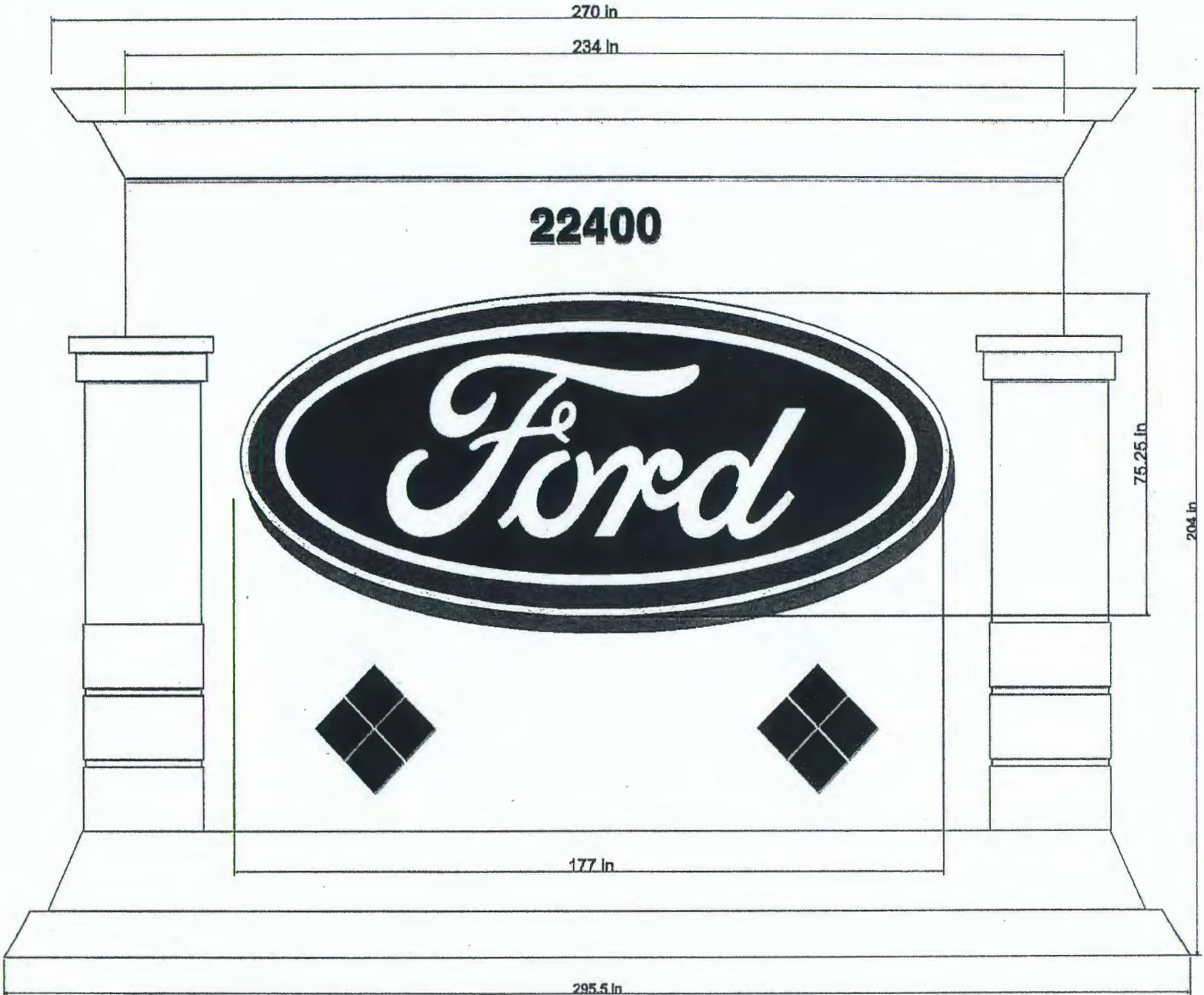


EXHIBIT 2

PROPOSED SIGN LOCATION

SIGN TO BE REMOVED

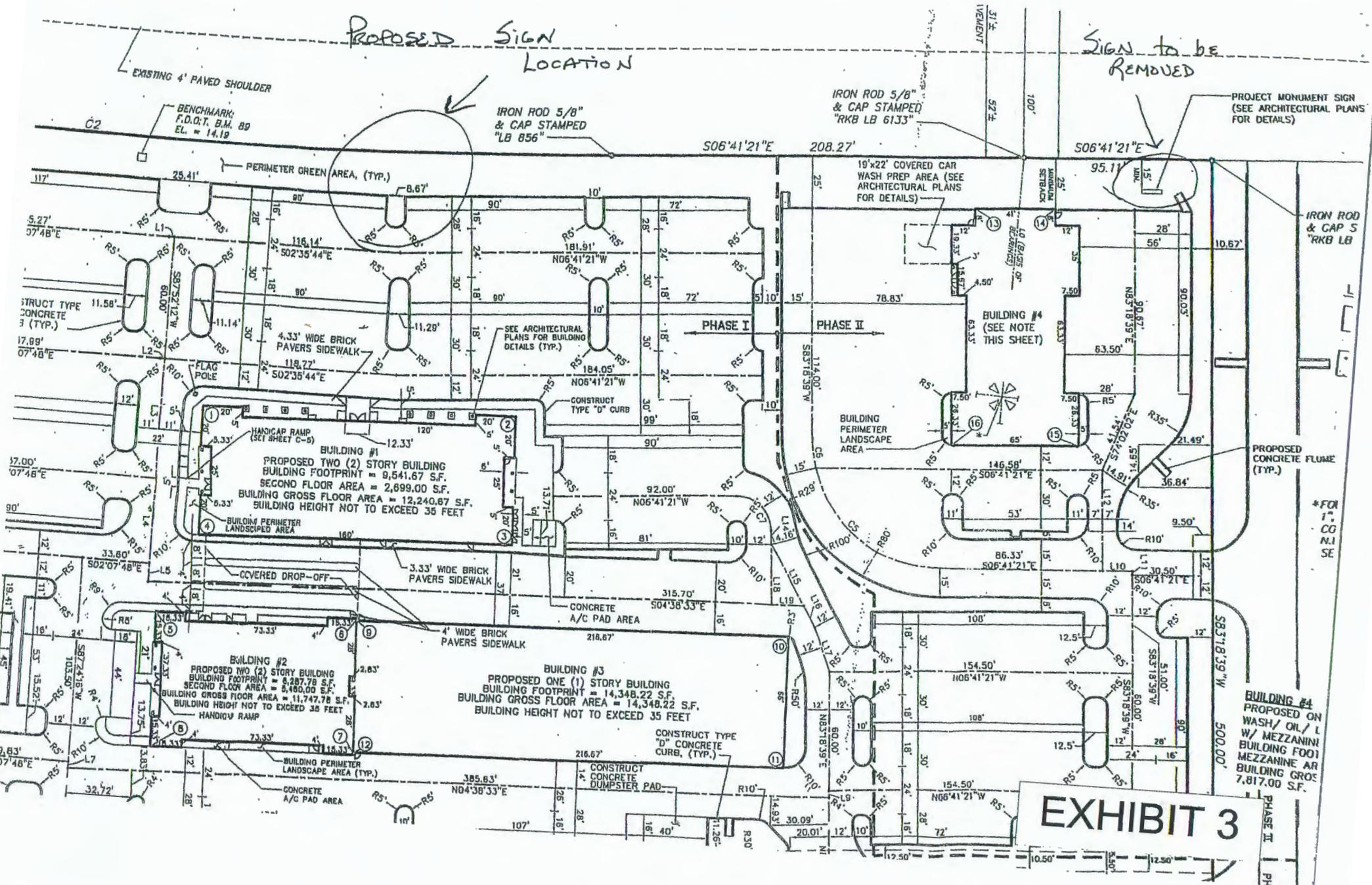


EXHIBIT 3

PROPOSED CONCRETE FLUME (TYP.)

BUILDING #4 PROPOSED ON WASH/OIL/L W/ MEZZANINE BUILDING FOOT MEZZANINE AREA BUILDING GROSS 7,817.00 S.F.

4 FOR 1" CG N.I. SE

IRON ROD & CAP 5" RKB LB

PROJECT MONUMENT SIGN (SEE ARCHITECTURAL PLANS FOR DETAILS)

IRON ROD 5/8" & CAP STAMPED "RKB LB 6133"

IRON ROD 5/8" & CAP STAMPED "LB 856"

BENCHMARK F.D.O.T. B.M. 89 EL. = 14.19

STRUCTURE TYPE CONCRETE 3 (TYP.)

37.00' 07'48"E

5.27' 07'48"E

117'

C2

EXISTING 4' PAVED SHOULDER

ADD2013-00126 Lee County ePlan

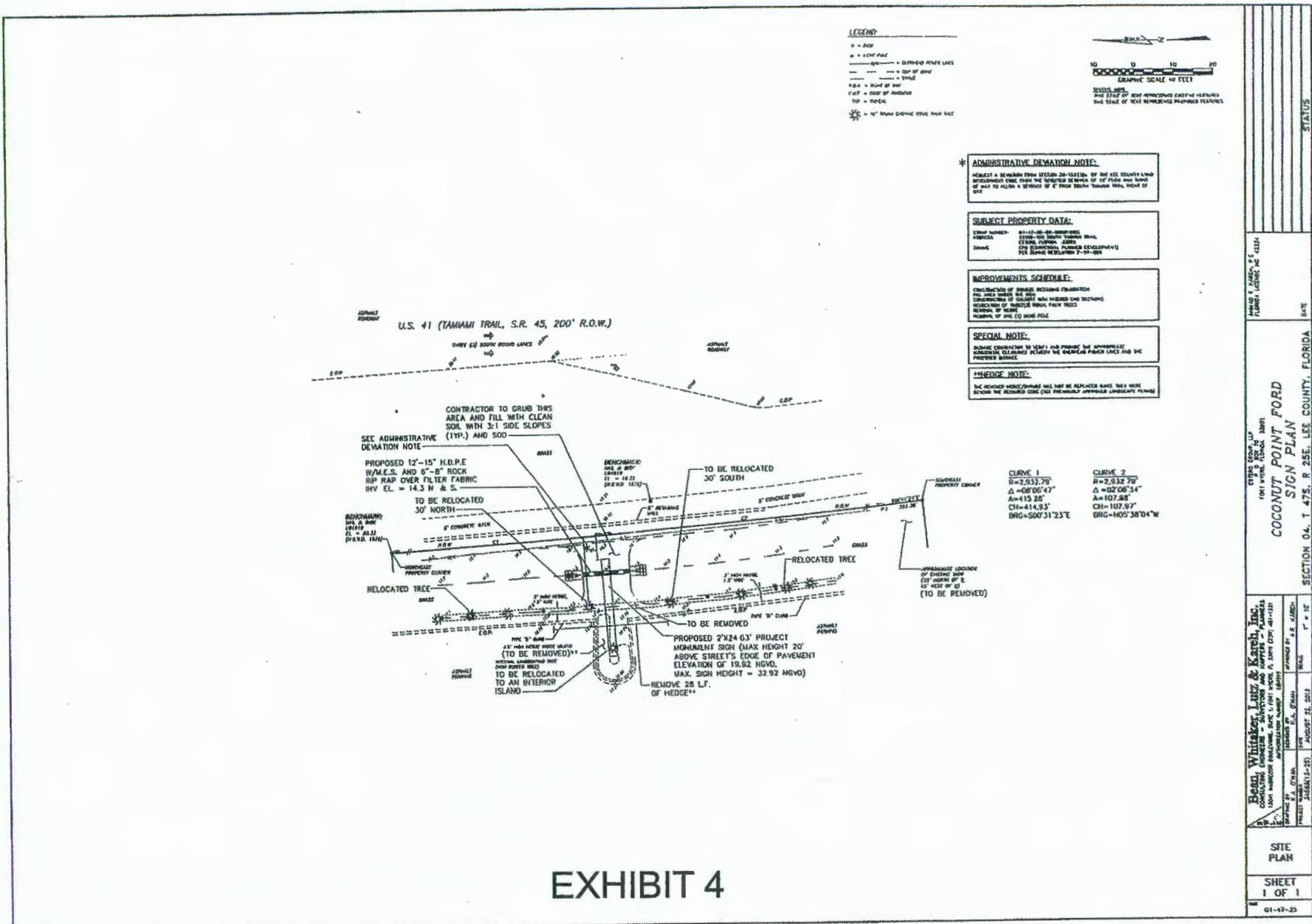


EXHIBIT 4

STATUS	
DATE	
COCOOK POINT FORD SIGN PLAN	
SECTION 04, T. 47S., R. 25E., LEE COUNTY, FLORIDA	
DATE: AUGUST 21, 2013	
SCALE: 1" = 10'	
Beal, Whitaker, Lutz & Kersch, Inc. CONSULTING ENGINEER - SURVEYING AND SURVEYING - PLANNING 10000 W. GULF BLVD., SUITE 100, TAMPA, FL 33613 PROJECT NO. 13-00126 SHEET NO. 01-11-25	
SITE PLAN SHEET 1 OF 1 01-11-25	

ADMINISTRATIVE AMENDMENT (PD) ADD2013-00085

ADMINISTRATIVE AMENDMENT
LEE COUNTY, FLORIDA

WHEREAS, RaceTrac Petroleum, Inc. filed an application for administrative approval to a the Commercial Planned Development (CPD) zoning on a project known as Estero Greens CPD to allow an **amendment of the Master Concept Plan to reflect a new vehicular connection to US 41 and add the following deviations:**

1. **Deviation from the Lee County LDC Section 33-422(a) requiring parking lots for buildings with less than 7,500 gross square feet to provide no more than 20 percent of the parking in front of the building, no more than 20 percent of the parking on the side of the building, with the balance to the rear of the building, to allow 68% of the parking in the front of the building with the 32% balance on the sides.**
2. **Deviation from the Lee County LDC Section 33-385(a)(3) requiring the sign setback be a minimum of 15-feet from the right-of-way, to allow the sign 5-feet from the US-41 right-of-way.**
3. **Deviation from the Lee County LDC Section 33-383(5) prohibiting the use of electronic signs. The applicant is requesting to install "LED" signage for the fuel price signs only.**
4. **Deviation from LDC Section 10-285(a) providing for a 660 foot connection separation along an arterial Road (US 41) to allow connection separation of 435± feet both north and south from the proposed access location.**

WHEREAS, the property is located along the west side of US 41, south of Atlantic Gulf Boulevard and north of existing Coconut Point Ford, described more particularly as:

LEGAL DESCRIPTION: In Section 04, Township 47 South, Range 25 East, Lee County, Florida:

ATTACHED AS EXHIBIT "A"

WHEREAS, the property was originally rezoned in Resolution Number Z-97-050 (with subsequent amendments in Case Numbers ADD2001-00179, ADD2008-00029, and ADD2013-00126), and

WHEREAS, the subject property is located in the Suburban and Wetlands Future Land Use Category as designated on the Future Land Use Map of the Lee County Comprehensive Plan; and

WHEREAS, the subject property is within the Estero Planning Community; and

WHEREAS, the amendments to the Estero Greens CPD were presented to the community in a public information meetings held before the Estero Community Planning Panel and Estero Design Review Committee; and

WHEREAS, the subject property fronts on US 41 a state maintained road and the Florida Department of Transportation (FDOT) is the sole authority responsible for granting access to a state maintained road; and

WHEREAS, FDOT on January 27, 2014 issued a Notice of Intent to Issue Permit with conditions to allow the proposed access to US 41; and

WHEREAS, this new connection is not depicted on the Master Concept Plan; and

WHEREAS, the Lee County Land Development Code provides for certain administrative changes to planned development master concept plans and planned unit development final development plans; and

WHEREAS, the subject application and plans have been reviewed by the Lee County Department of Community Development in accordance with applicable regulations for compliance with all terms of the administrative approval procedures; and

WHEREAS, the proposed parking deviation will help achieve the intent of the planned development, while not adversely impacting the public's health, safety, and welfare; and

WHEREAS, the resulting parking areas will be partially hidden by the proposed canopy and gas pumps; and

WHEREAS, the proposed deviations related to signage have been reviewed by the Code Enforcement Officer/Sign Inspector finding the setback is similar to the signage to the south; and

WHEREAS, the proposed deviation from the Lee County Land Development Code for connection separation is necessitated by the approval of the Notice of Intent to Issue Permit by FDOT; and

WHEREAS, it is found that the proposed amendment does not increase density or intensity within the development; does not decrease buffers or open space required by the LDC; does not underutilize public resources or infrastructure; does not reduce total open space, buffering, landscaping or preservation areas; and does not otherwise adversely impact on surrounding land uses.

NOW, THEREFORE, IT IS HEREBY DETERMINED that the application for administrative approval to **amend the Master Concept Plan to reflect a new access to US 41 and add the following deviations is APPROVED subject to the following deviations and conditions:**

Deviations:

1. Deviation from the Lee County LDC Section 33-422(a) requiring parking lots for buildings with less than 7,500 gross square feet to provide no more than 20 percent of the parking in front of the building, no more than 20 percent of the parking on the side of the building, with the balance to the rear of the building, to allow 68% of the parking in the front of the building with the 32% balance on the sides.
2. Deviation from the Lee County LDC Section 33-385(a)(3) requiring the sign setback be a minimum of 15-feet from the right-of-way, to allow the sign 5-feet from the US-41 right-of-way.
3. Deviation from the Lee County LDC Section 33-383(5) prohibiting the use of electronic signs. The applicant is requesting to install "LED" signage for the fuel price signs only.
4. Deviation from LDC Section 10-285(a) providing for a 660 foot connection separation along an arterial Road (US 41) to allow connection separation of 435± feet both north and south from the proposed access location.

Conditions:

1. The terms and conditions of the original zoning resolution, as amended, remain in full force and effect, except as amended herein.
2. The Development must be in compliance with the attached amended Master Concept Plan (Exhibit B) noted with the date of 12/9/2013 and time of 9:43 AM in the lower left of the Plan, except as may be amended by condition. Master Concept Plan for ADD2013-00085 is hereby APPROVED and adopted and a reduced copy is attached hereto.
3. Condition 5 of Resolution Z-97-050 is hereby amended as follows:

a. Parcels D and E:

Each parcel must provide a minimum of 30 percent open space. Indigenous open space preservation must be as delineated (a minimum of 2.16 contiguous acres with a minimum width of 75 feet) on the approved Master Concept Plan.

b. Parcels A, B, and C:

Parcels A and B must provide a minimum of 15 percent open space.

Parcel C must provide 100% open space to include 1.53 acres indigenous preservation (minimum width of 75 feet) and 0.61 acres of buffering and

stormwater area as depicted on the Master Concept Plan.

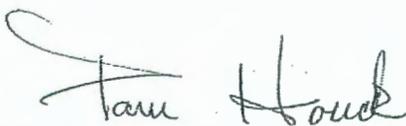
Parcel C must be included as part of local development order for Parcel A or B, whichever parcel's development order is submitted first. An indigenous management plan meeting LDC Section 10-415(b)(4) requirements must also be submitted as part of this development order. The terms and responsibility of maintenance of Parcel C must be committed to within a maintenance covenants. A draft maintenance covenants must be submitted as part of the development order review with the final version to be submitted as part of the plat.

- c. All invasive exotic vegetation, as identified in the Lee County LDC Section 10-420(h), must be removed from the indigenous vegetation preserve area. This requirement must be stated on the development order plans prior to development order approval.
4. Development order plans for Parcel B must utilize the Estero Planning Community landscaping requirements as required by LDC Chapter 33, Article II, Division 4. Specific Uses.
5. Condition 4 of Resolution Z-97-050 is amended as follows:
 - (a.) The developer must provide a 75-foot-wide indigenous preserve buffer along the length of the entire western property boundary (east of the 10-foot-wide drainage easement). In addition, the developer must provide an 8-foot-high wall or a 6-foot-high wall on a 2-foot-high berm within the westerly 10-foot-wide drainage easement. Additional plantings must be provided on the east side of the wall within 20 feet of said wall. These trees plantings must be South Florida slash pines no less than 10 feet tall with a three-inch caliper measured at three feet above the ground. A minimum of eight trees per 100 foot buffer segment are required.
 - (b.) The developer must remove invasive exotic vegetation from the special buffering area and provide the wall and additional planting as part of the first phase of any construction on site.
6. Parcel C, as depicted on the approved Master Concept Plan, may only be used for open space, stormwater management, and buffering. No other use is approved within Parcel C.
7. LED lighting may only be used for the fuel price signs. No other electronic signs have been approved as part of this planned development amendment. Except as granted herein all signs must be in compliance with the Lee County Land Development Code, including those signs prohibited within the Estero Planning Community by LDC §33-383 (including, but not limited to, animated

signs, emitting signs, changing signs including electronic message centers, etc.)

8. If the Notice of Intent to Issue Permit is ever revoked, then Deviation 4 of this Administrative Amendment is no longer in force or effect.
9. If it is determined that inaccurate or misleading information was provided to the County or if this decision does not comply with the LDC 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.

DULY PASSED AND ADOPTED ON 2/10/2014

BY: 

Electronically Signed by
Pam Houck, Director
Division of Zoning
Department of Community Development

Exhibits:

- A. Legal Description
- B. Approved Master Concept Plan



LEGAL DESCRIPTION
 OF A PARCEL LYING IN
 SECTION 04, TOWNSHIP 47 SOUTH, RANGE 25 EAST,
 LEE COUNTY, FLORIDA

(RACETRAC – VIA RAPALLO DRIVE)

A TRACT OR PARCEL OF LAND LYING IN SECTION 04, TOWNSHIP 47 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, BEING DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF THE NORTHEAST QUARTER OF SECTION 4; THENCE NORTH 88°25'47" EAST ALONG THE EAST-WEST QUARTER SECTION LINE FOR 118.32 FEET TO AN INTERSECTION WITH THE WESTERLY RIGHT OF WAY OF U.S. 41 (TAMIAMI TRAIL, S.R. 45, 200 FEET WIDE); THENCE NORTH 06°41'21" WEST ALONG SAID WESTERLY RIGHT OF WAY LINE FOR 208.27 FEET TO A POINT OF CURVE TO THE RIGHT HAVING A RADIUS OF 2932.79 FEET AND A CENTRAL ANGLE OF 10°13'21"; THENCE ALONG THE ARC OF SAID CURVE AND SAID WESTERLY RIGHT OF WAY LINE FOR 523.26 FEET TO THE **POINT OF BEGINNING**; THENCE NORTH 86°28'00" WEST LEAVING SAID WESTERLY RIGHT OF WAY LINE ALONG A RADIAL LINE TO SAID CURVE FOR 284.32 FEET; THENCE NORTH 04°51'17" EAST FOR 348.46 FEET; THENCE SOUTH 85°08'43" EAST FOR 283.46 FEET TO AN INTERSECTION WITH SAID WESTERLY RIGHT OF WAY LINE; THENCE SOUTH 04°51'17" WEST ALONG SAID WESTERLY RIGHT OF WAY LINE FOR 274.27 FEET TO A POINT OF CURVE TO THE LEFT HAVING A RADIUS OF 2932.79 FEET AND A CENTRAL ANGLE OF 01°19'17"; THENCE ALONG THE ARC OF SAID CURVE AND SAID WESTERLY RIGHT OF WAY LINE FOR 67.64 FEET TO THE **POINT OF BEGINNING**.

PARCEL CONTAINS 2.24 ACRES, MORE OR LESS.

PARCEL SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS AND RIGHTS-OF-WAY (RECORDED AND UNRECORDED, WRITTEN AND UNWRITTEN)

BEARINGS ARE BASED ON THE EAST-WEST QUARTER SECTION LINE OF SECTION 4, TOWNSHIP 47 SOUTH, RANGE 25 EAST AS BEARING N.88°25'47"E.

METRON SURVEYING & MAPPING, LLC
 FLORIDA CERTIFICATE OF AUTHORIZATION LB# 7071

[Signature] 4/11/13

DENIS J. O'CONNELL, JR.
 PROFESSIONAL SURVEYOR AND MAPPER
 FLORIDA CERTIFICATE NO. 5430

APPROVED
ADD2013-00085
Chick Jakacki, Planner
Lee Co Division of Zoning
7/3/2013

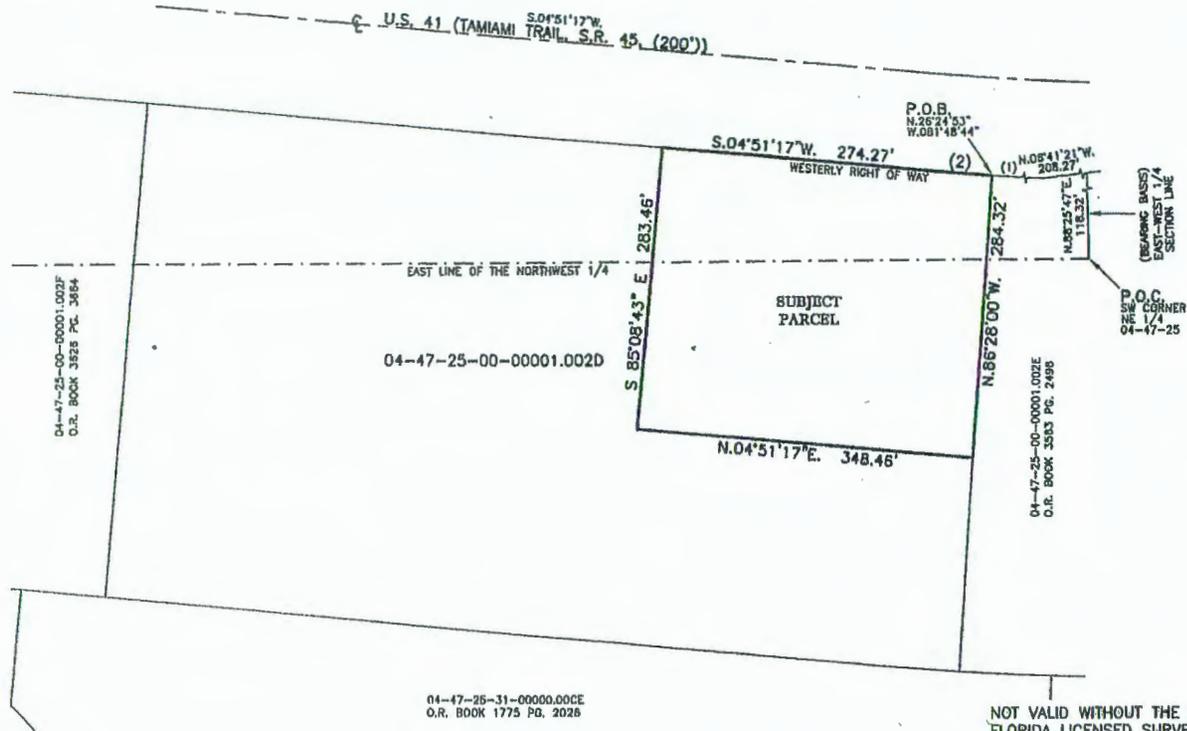
SHEET 1 OF 2

12568SK.doc

10970 S. CLEVELAND AVE., SUITE #605 • FORT MYERS, FLORIDA 33907 • PHONE (239) 275-8575 • FAX (239) 275-8457
 www.metronfl.com

EXHIBIT A

SKETCH TO ACCOMPANY DESCRIPTION



LEGEND:

- P.O.B. = POINT OF BEGINNING
- P.O.C. = POINT OF COMMENCEMENT
- R/W = RIGHT-OF-WAY

*** THIS IS NOT A SURVEY ***

BY: 
 DENIS J. O'CONNELL, JR.
 PROFESSIONAL SURVEYOR AND MAPPER
 FLORIDA CERTIFICATE NO. LS# 5430

DATE SIGNED: 4/11/13

NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

RACETRAC - VIA RAPALLO DRIVE

TITLE: SKETCH OF DESCRIPTION	
 <h3>METRON</h3> <p>SURVEYING & MAPPING</p> <p>LAND SURVEYORS-PLANNERS LB# 7071</p>	10970 S. CLEVELAND AVE. SUITE #805 FORT MYERS, FLORIDA 33907 PHONE: (239) 275-8575 FAX: (239) 275-8457 www.metronfl.com
FILE NAME: 12569SK.dwg	PROJECT NO.: 12569
SKETCH DATE: 4-11-13	DRAWN BY: DJF
SCALE: 1" = 150'	CHECKED BY: DJD
SHEET: 2 OF 2	

CURVE TABLE

NO.	RADIUS	DELTA	ARC	TANGENT	CHORD	CHORD BEARING
1	2932.79'	10°13'21"	523.26'	262.32'	522.56'	N.01°34'41"W.
2	2932.70'	01°19'17"	67.64'	33.82'	57.64'	S.04°11'38"W.

* SEE SHEET 1 OF 2 FOR LEGAL DESCRIPTION *

Proposed monument sign location



HANANIA AUTOMOTIVE GROUP
 7220 BIRLANDING BLVD
 JACKSONVILLE, FL 32244

COCONUT POINT HONDA

Lee County Development Order

Issued Oct. 28-97-16

Revisions

REV. NO.	DATE	DESCRIPTION
1	10/28/97	ISSUED
2	11/14/97	REVISIONS TO CONCEPT PLAN
3	11/14/97	REVISIONS TO CONCEPT PLAN
4	11/14/97	REVISIONS TO CONCEPT PLAN
5	11/14/97	REVISIONS TO CONCEPT PLAN
6	11/14/97	REVISIONS TO CONCEPT PLAN
7	11/14/97	REVISIONS TO CONCEPT PLAN
8	11/14/97	REVISIONS TO CONCEPT PLAN
9	11/14/97	REVISIONS TO CONCEPT PLAN
10	11/14/97	REVISIONS TO CONCEPT PLAN



Drawing Date

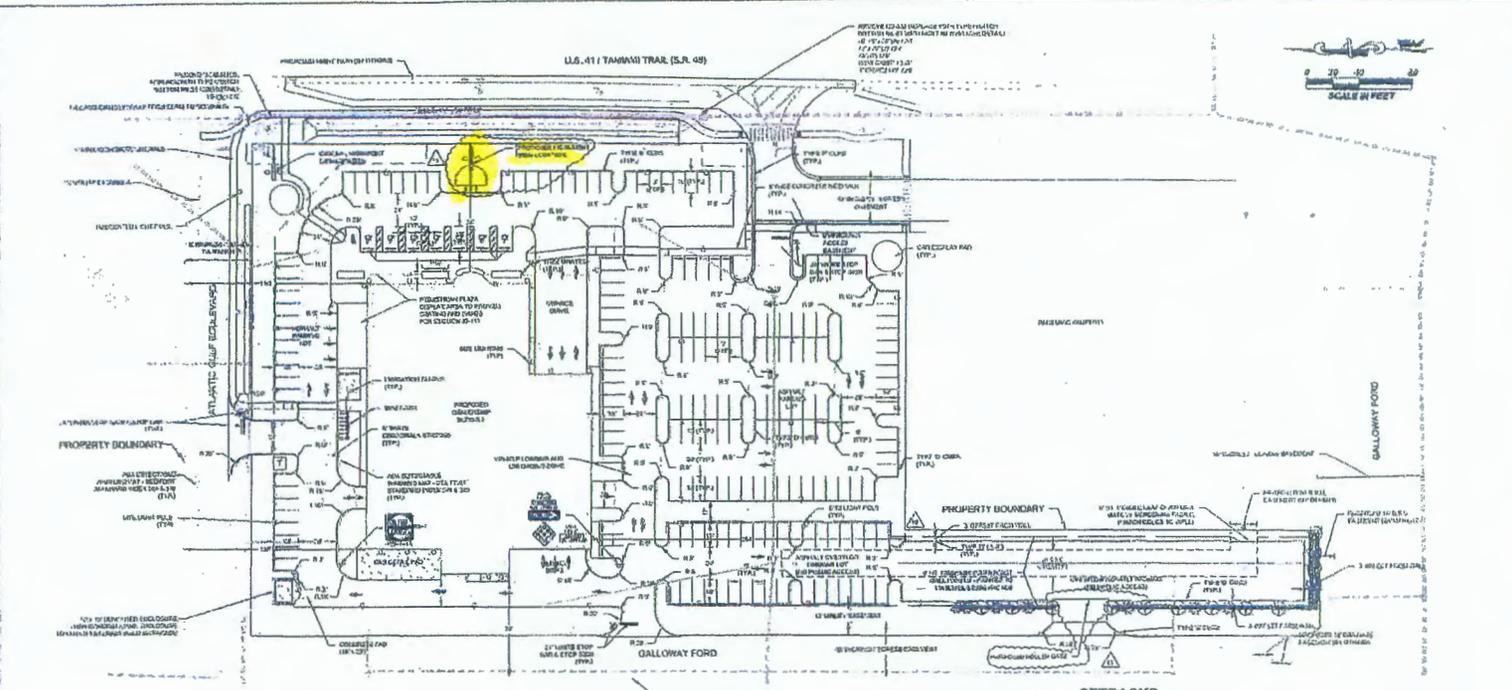
Drawing Title

SITE PLAN

Drawing Number

C-06

TKW Project No. 1609590



LEE PLAN CONSISTENCY:
 THE PROPOSED AUTO DEALERSHIP IS CONSISTENT WITH THE SUBURBAN COMMUNITY LAND-USE CATEGORY OF THE COCONUT POINT PLANNING AND DEVELOPMENT ORDINANCE, ARTICLE 17, CHAPTER 17-02, SUBCHAPTER 17-02.01(1)(A). THE PROPOSED AUTO DEALERSHIP IS CONSISTENT WITH THE SUBURBAN COMMUNITY LAND-USE CATEGORY OF THE COCONUT POINT PLANNING AND DEVELOPMENT ORDINANCE, ARTICLE 17, CHAPTER 17-02, SUBCHAPTER 17-02.01(1)(A).

ESTERO GREENS:

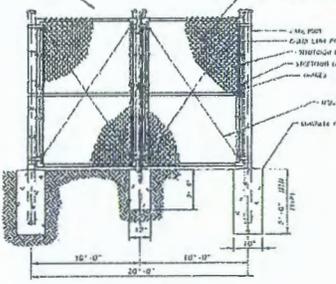
EXISTING	
COCONUT POINT HONDA (94-17-26-00-0001) (L001)	37,204 S.F.
41 INVESTMENTS LLP (94-17-26-00-0001) (L002)	3,267 S.F.
PROPOSED RACE TRACK (94-17-26-00-0001) (L003)	5,824 S.F.
SUB-TOTAL	46,395 S.F.

PROPOSED
 COCONUT POINT HONDA (94-17-26-00-0001) (L001)
 TOTAL: 20,710 S.F.
 TOTAL: 67,105 S.F.

SOLID WASTE CALCULATIONS:
 BUILDING: 130,710 S.F.
 PER ICD 7-20(1) THE BUILDING IS 100% BY AREA REQUIRED TO BE SERVED BY THE FOLLOWING:
 750 S.F. FOR FIRST FLOOR: 100% = 750 S.F.
 1,500 S.F. FOR SECOND FLOOR: 100% = 1,500 S.F.
 TOTAL AREA REQUIRED: 2,250 S.F.
 PROVIDED AREA: 4,110 S.F.

NOTE: MINIMUM OVERHEAD CLEARANCE UP TO 22' AND 12' WIDE UNOBSTRUCTED ACCESS HAS BEEN PROVIDED.

BUILDING HEIGHT:
 MAX. 10' (EXISTING)



NOTE:
 1. ALL CONCRETE SHALL BE 4000 PSI STRENGTH CONCRETE WITH 4% STEEL FIBERS.
 2. ALL WALLS, PARTS, AND ANCHORS SHALL BE 4000 PSI STRENGTH CONCRETE WITH 4% STEEL FIBERS.
 3. ALL REINFORCING SHALL BE #4 OR #5 BARS WITH AN OVERLAP PER SPECIFICATION.
 4. MINIMUM OVERHEAD CLEARANCE UP TO 22' AND 12' WIDE UNOBSTRUCTED ACCESS HAS BEEN PROVIDED.

SETBACKS:

STREET (S. 21)	REQUIRED	PROVIDED
FRONT	25'	25'
REAR	25'	25'

PARKING CALCULATIONS:

REQUIREMENTS	PROVIDED
1 SPACE PER 150 S.F. BUILDING AREA (111,110 S.F.)	741
1 SPACE PER 100 S.F. OFFICE STORAGE (100 S.F.)	200
1 SPACE PER SERVICE BAY (10 BAY x 20 BAY EACH)	200
TOTAL REQUIRED	1,141
TOTAL PROVIDED	1,141

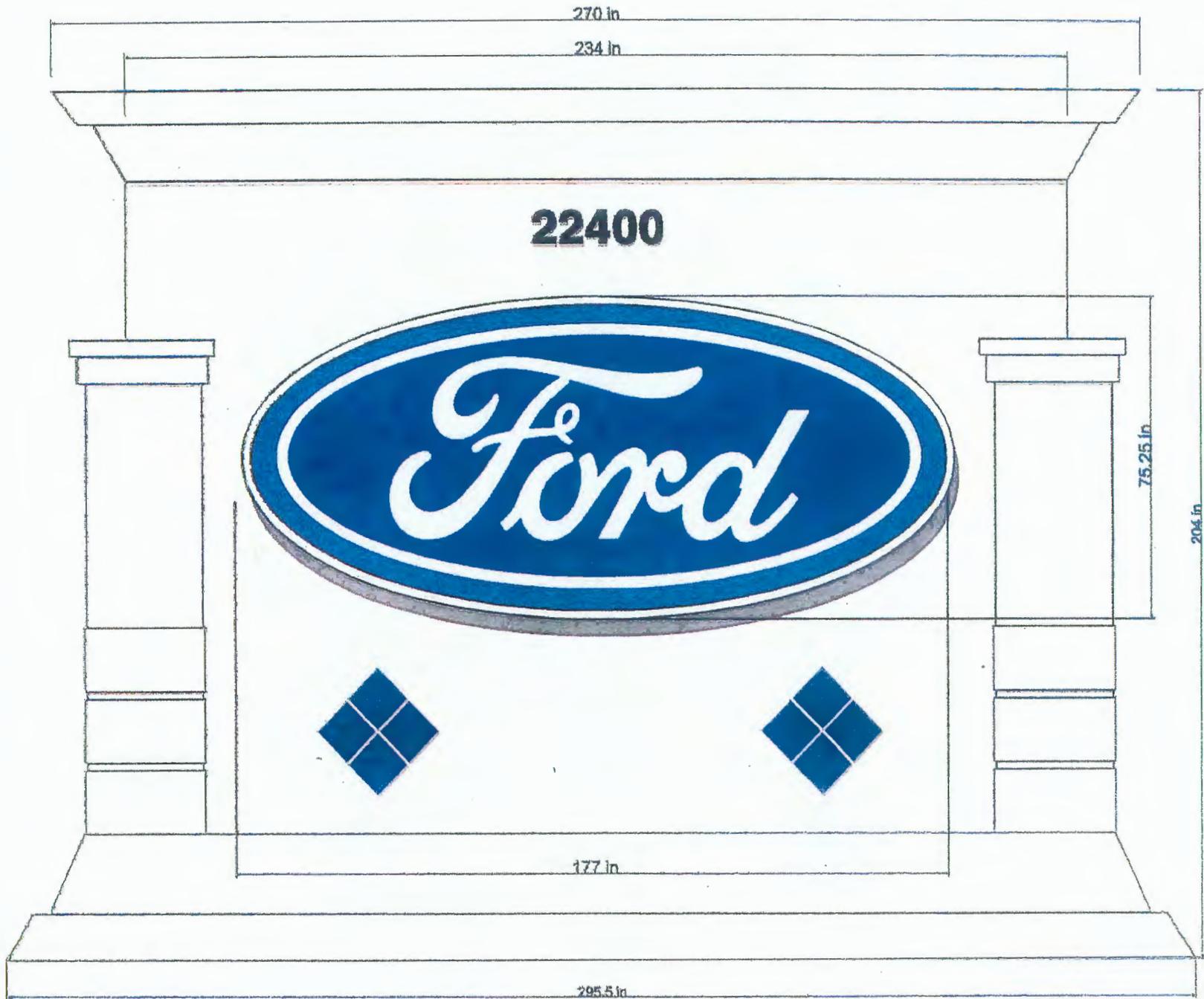
LEGEND

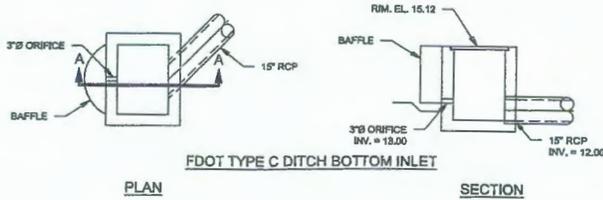
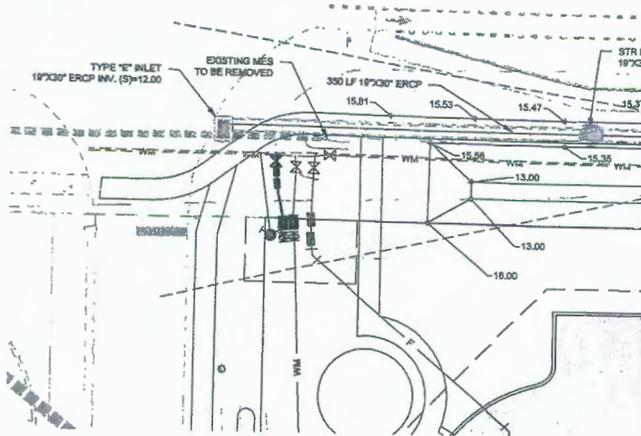
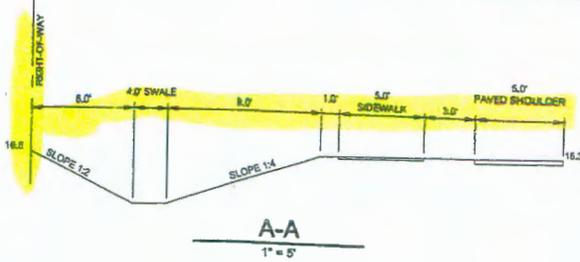
- DECORATIVE FINISH OR STAINED CONCRETE
- ASPHALT
- CONCRETE SIDEWALK
- CONCRETE PAD

Exhibit B

EXHIBIT B SHALL BE SUBMITTED TO THE COUNTY ENGINEER FOR REVIEW AND APPROVAL. THE ENGINEER SHALL REVIEW THE EXHIBIT B FOR COMPLIANCE WITH THE SUBURBAN COMMUNITY LAND-USE CATEGORY OF THE COCONUT POINT PLANNING AND DEVELOPMENT ORDINANCE, ARTICLE 17, CHAPTER 17-02, SUBCHAPTER 17-02.01(1)(A).

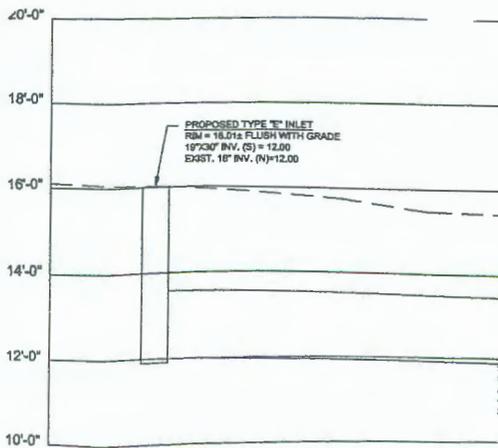
EXHIBIT E





CONTROL STRUCTURE C-01 DETAIL

SCALE: 1/4" = 1'-0"



ALL DIMENSIONS AND OTHER DATA
BASED ON THE DATA PROVIDED BY
THE CLIENT, SCAFFOLDING, INC.,
S, INC.



5821 Banner Drive
Fort Myers, Florida 33912
TEL: 238.278.1992 • FAX: 238.278.0922
E-MAIL: info@tkwonline.com
Engineering Certification # 5762
Survey LB # 734

THIS DOCUMENT, AND THE IDEAS AND DESIGNS INCORPORATED HEREIN, IS AN INSTRUMENT OF PROFESSIONAL SERVICE, AND IS NOT TO BE USED, IN WHOLE OR IN PART, FOR ANY OTHER PROJECT WITHOUT THE WRITTEN AUTHORIZATION OF TKW CONSULTING ENGINEERS, INC.

Client

**HANANIA
AUTOMOTIVE GROUP**

7220 BLANDING BLVD
JACKSONVILLE, FL 32244

Project

COCONUT POINT HONDA

Issued For

LEE COUNTY DEVELOPMENT
ORDER

Issued On: 10-17-14

Revisions

REV. NO.	DATE	DESCRIPTION
1	11-16-14	ADDENDUM #1
2	12-19-14	PER LEE COUNTY COMMENTS
3	12-31-14	PER LEE COUNTY COMMENTS
4	1-7-15	PER LEE COUNTY COMMENTS
5	1-8-15	PER LEE COUNTY COMMENTS
6	6-21-15	MINOR CHANGES TO D.D.
7	7-9-15	CHANGE ELEVATIONS AT GARAGE DOORS
8	7-23-15	UPDATED LIGHTING
9	10-15-15	ELEVATION ADJUSTMENTS
10	10-26-15	MISC REVISIONS
11	11-16-15	ELEVATION ADJUSTMENTS

Drawing Data

Drawing Title

**US 41 ROW RIGHT
TURN LANE REVISED
IMPROVEMENT PLAN**

Drawing Number

C-17

TKW Project No.: 14703.00

DATE

RESOLUTION NO. _____

WHEREAS, Clark Richardson, owner of Coconut Point Ventures, LLC (“Applicant”) filed an application for an administrative amendment to a Commercial Planned Development (CPD) known as Estero Greens CPD seeking to add a deviation for the reduced setback for a monument sign of five feet (5’) rather than the approved ten foot (10’) setback from the required fifteen feet (15’) required by the Land Development Code (LDC) Section 33-385(a)(3); and

WHEREAS, the property is located at 22240 South Tamiami Trail, Village of Estero, and described more particularly as: Strap Number: 04-47-25-E1-U1893.2205; and

LEGAL DESCRIPTION: Section 04, Township 47 South, Range 25 East, Lee County, Florida.

ATTACHED AS EXHIBIT “A”

WHEREAS, the property was originally rezoned with the adoption of Resolution Number Z-97-050 from Agriculture to Commercial Planned Development with subsequent approvals: DOS2014-00079, DOS2014-00079 #1, DOS2014-00079 #2, and DOS2014-00079 #3; and

WHEREAS, a monument sign setback of ten feet (10’) is required at the Honda site; and

WHEREAS, the subject property is designated as Suburban on the Future Land Use Map of the Village of Estero Comprehensive Plan; and

WHEREAS, the Land Development Code (LDC) provides for certain administrative changes to planned development master concept plans and planned unit development final development plans; and

WHEREAS, the Applicant seeks one monument sign along U. S. 41 to be set back five feet (5’) from the property line; and

WHEREAS, on October 14, 2015 the Design Review Board approved the monument sign design; and

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

WHEREAS, the Planning and Zoning Board had a tie vote on Honda’s request for a five foot (5’) setback from the east property line/U. S. 41 right-of-way and no motion was adopted;

WHEREAS, Applicant appealed this tie vote of the Planning and Zoning Board to the Village Council; and

WHEREAS, the following findings of fact are offered:

1. The monument sign complies with all requirements of LDC Sections 30 and 33 and as approved by the Design Review Board; and
2. The proposed deviations would not decrease buffers or open space required by the Land Development Code; and
3. Clear sight visibility is maintained at the intersections of Atlantic Gulf Boulevard and U. S. 41 and at the driveway into the property from southbound U. S. 41; and
4. The Village Council has taken this action at a duly constituted public hearing after due public notice; and

NOW, THEREFORE, IT IS HEREBY DETERMINED that the application for administrative approval for the deviation is APPROVED, subject to the following conditions:

1. The terms and conditions of the original Zoning Resolution (Z-97-050) and Development Order DOS2014-00079 remain in full force, except as modified herein.
2. The deviation for the monument sign setback of five feet (5') is APPROVED, provided the sign location is in substantial compliance with attached Exhibit "B" Site Plan, Drawing Number C-06.
3. If it is determined that inaccurate or misleading information was provided to staff or the Planning and Zoning Board or if this decision does not comply with the 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 ____ day of _____, 2016.

VILLAGE OF ESTERO, FLORIDA

By: _____
Mayor

Attest:

By: _____
Kathy Hall, MMC, Village Clerk

Reviewed for legal sufficiency

By: _____
Nancy Stroud, Esquire, Land Use Counsel

Exhibits:

- A. Legal Description
- B. Site Plan
- C. U. S. 41 Clear Site Distance Plan
- D. Monument Sign

EXHIBIT A

LEGAL DESCRIPTION:

TAKEN FROM INSTRUMENT NUMBER 2013000287266

A TRACT OR PARCEL OF LAND LYING IN SECTION 4, TOWNSHIP 47 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, BEING DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF THE NORTHEAST QUARTER OF SECTION 4; THENCE NORTH 88°25'47" EAST ALONG THE EAST-WEST QUARTER SECTION LINE FOR 118.32 FEET TO AN INTERSECTION WITH THE WESTERLY RIGHT-OF-WAY OF U.S. 41 (TAMIAMI TRAIL, S.R. 45, 200 FEET WIDE); THENCE NORTH 08°41'21" WEST ALONG SAID WESTERLY RIGHT-OF-WAY LINE FOR 208.27 FEET TO A POINT OF CURVE TO THE RIGHT HAVING A RADIUS OF 2832.79 FEET AND A CENTRAL ANGLE OF 10°13'21"; THENCE ALONG THE ARC OF SAID CURVE AND SAID WESTERLY RIGHT-OF-WAY LINE FOR 823.28 FEET; THENCE NORTH 88°28'00" WEST LEAVING SAID WESTERLY RIGHT-OF-WAY LINE ALONG A RADIAL LINE TO SAID CURVE FOR 284.32 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE NORTH 88°28'00" WEST FOR 108.18 FEET TO A POINT ON A CURVE TO THE RIGHT HAVING A RADIUS OF 3326.79 FEET, A CENTRAL ANGLE OF 01°18'17", CHORD BEARING NORTH 04°11'38" EAST, A CHORD DISTANCE OF 76.69 FEET; THENCE ALONG THE ARC OF SAID CURVE AND ALONG SAID COMMON LINE FOR 76.69 FEET TO A POINT OF TANGENT (AS MEASURED CONCENTRIC TO AND LYING 382.60 FEET WESTERLY TO SAID RIGHT-OF-WAY LINE); THENCE NORTH 04°51'17" EAST FOR 781.38 FEET; THENCE NORTH 85°08'43" WEST FOR 15.50 FEET; THENCE NORTH 04°51'17" EAST FOR 50.00 FEET; THENCE SOUTH 85°08'43" EAST FOR 408.00 FEET TO SAID WESTERLY RIGHT-OF-WAY LINE; THENCE SOUTH 04°51'17" WEST ALONG SAID RIGHT-OF-WAY LINE FOR 837.09 FEET; THENCE NORTH 85°08'43" WEST LEAVING SAID WESTERLY RIGHT-OF-WAY LINE FOR 283.46 FEET; THENCE SOUTH 04°51'17" WEST FOR 348.46 FEET TO THE POINT OF BEGINNING.

PARCEL SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS AND RIGHTS-OF-WAY (RECORDED AND UNRECORDED, WRITTEN AND UNWRITTEN)

BEARINGS ARE BASED ON THE EAST-WEST QUARTER SECTION LINE OF SECTION 4, TOWNSHIP 47 SOUTH, RANGE 25 EAST AS BEARING N 88°25'47" E.



- Fort Myers
- Tallahassee

ATTACHMENT B

RECEIVED

JUL 01 2016

VILLAGE OF ESTERO

COCONUT POINT HONDA MONUMENT SIGN DEVIATION HEARING

PRESENTATION EXHIBITS

July 19, 2016

www.tkwonline.com

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Tel: 239.278.1992

Fort Myers, FL 33912

5621 Banner Drive



LIVING WATERS CHURCH
DISTANCE=15.3'



RACETRAC
DISTANCE=5.4'



COCONUT POINT FORD
DISTANCE=1.2'



FOUNTAIN LAKES
DISTANCE=15.8'



COCONUT POINT
DISTANCE=15.0'



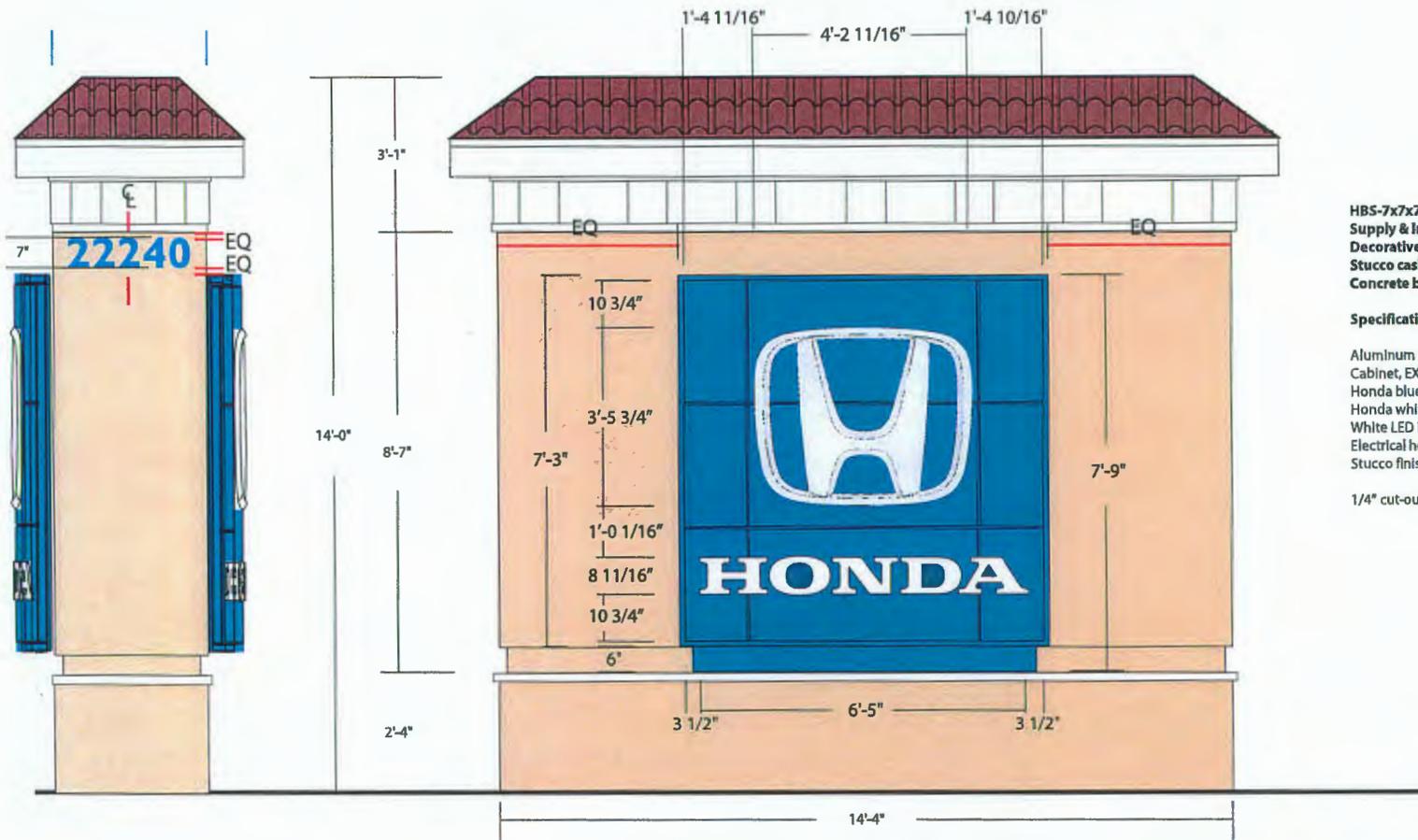
HERTZ
DISTANCE=9.7''



COCONUT POINT
DISTANCE=16.2'



COCONUT POINT
DISTANCE=15.9'



HBS-7x7 - GEN 3 - CUSTOM
Supply & Install (1) One New Double Face Illuminated Pylon.
Decorative terra cotta capper.
Stucco casing.
Concrete base.

Specifications:

- Aluminum construction
- Cabinet, EX7 retainers & escutcheon painted to match Honda Blue (PMS 285c)
- Honda blue acrylic molded faces
- Honda white acrylic molded cap on logo and letters
- White LED illumination
- Electrical hook-up by others
- Stucco finish

1/4" cut-out letters pinmounted flat to base



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Customer Approval:

Date: _____

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This sign to be installed in accordance with the requirements of Article 605 of the National Electrical Code and/or other applicable local codes. This includes proper grounding and bonding of the sign.



Pattison Sign Group: Illuminated signs may contain fluorescent, neon and/or HID lamps. These lamps contain Mercury Vapor. Dispose of these lamps according to Local, State, or Federal Laws.



Client	Coconut Point Honda - 208693		
Site	22240 Tamiami Trail, Estero FL		
Sales Rep	Cathy Farmer	Date	28JUL2015
Designer	PL (R3.E.Violante)	Scale	3/8"=1'-0"
Designer	15-1167	Rev.	R3:27APR16



Sign Rendering
5 Feet from ROW

TKW
CONSULTING ENGINEERS



Sign Rendering
10 Feet from ROW

