



VILLAGE OF ESTERO ZONING STAFF REPORT

PROJECT NAME: ESTERO UNITED METHODIST CHURCH
CASE TYPE: PLANNED DEVELOPMENT AMENDMENT
CASE NUMBER: DCI 2016E-03

PLANNING & ZONING BOARD DATE: NOVEMBER 15, 2016

REQUEST AND STAFF RECOMMENDATION

The applicant is proposing a Planned Development Amendment for the Estero United Methodist Church to update the existing approved Master Concept Plan to revise building sizes, locations of buildings and parking configuration. The 12.97 acre site is located at the southeast corner of US-41 and Broadway East. The property was rezoned in 2012 and the current Master Concept Plan was adopted at that time which included 110,047 square feet of building area and a maximum of 1,000 seats of sanctuary space. The permitted square footage from the previous approval was not constructed. Currently, the site includes 28,048 square feet and 542 seats. This application is proposing to adjust the total building square footage to 78,148 square feet but maintain the 1,000 seats of sanctuary space within two buildings rather than one.

If the Planning and Zoning Board wishes to recommend approval of the applicant's request, specific findings of fact must be made as outlined within this staff report and Staff recommends approval based on the conditions listed in Attachment A.

APPLICATION SUMMARY

Applicant: Estero United Methodist Church, Board of Trustees

Location: The subject site is located at the southeast corner of US-41 and Broadway East. The applicant has indicated that the subject property STRAP numbers are 28-46-25-E3-0400A.0010, 28-46-25-E3-0400B.0010, 28-46-25-E3-U1924.2462, 28-46-25-E3-U1931.2455.

Request: Amend the Master Concept Plan to revise proposed building sizes, locations and parking configuration.

LAND USE CATEGORY

Urban Community

PUBLIC INFORMATION MEETING

The meeting was held at the Planning and Zoning Board on April 19, 2016. A development order has also been filed for this property and an informational meeting was held at the Design Review Board on September 28, 2016.

PROJECT HISTORY

In 2012, the church property was rezoned from AG-2 to Community Facilities Planned Development (CFPD) in Resolution Z-12-010 which also approved the current Master Concept Plan and four (4) deviations. The 2012 Master Concept Plan contemplated a new large single 1,000 seat sanctuary, expansion of the existing sanctuary building, expansion of the thrift store, and several large multi-purpose and/or ancillary buildings. The 2012 rezoning approved a total of 110,047 square feet of building area and a maximum of 1,000 seats of sanctuary space.

SURROUNDING ZONING AND LAND USE

North of the site is a shopping center known as the Broadway Shoppes. This parcel is zoned CC. There is also a US Post Office, zoned AG-2. North east is a single family residence with a mobile home zoned AG-2. The land use designation is Urban Community.

East of the property are single-family residences zoned AG-2. The land use for the properties to the east is Outlying Suburban.

Southeast of the subject site is a communication / utility property zoned CPD and southwest of the subject site is a 1-story commercial building zoned CPD. The land use is Urban Community.

US-41 / S. Tamiami Trail is the western boundary of the property. The lands west of US-41 include conservation areas, an FDOT retention pond, and a single-family residence zoned AG-2. These properties have a land use designation of Conservation Lands Upland and Urban Community. In the Northwest corner of the subject site there is an outparcel that is zoned AG-2 and not owned by the church. This property is currently a mobile home with a print business. That property has a land use designation of Urban Community.

PROJECT DESCRIPTION

The applicant is proposing a Planned Development Amendment to update the existing approved Master Concept Plan to revise building sizes, locations of buildings and parking configuration. The 12.97 acre site is located at the southeast corner of US-41 and Broadway East which is a prominent intersection within the Village. The Property was rezoned in 2012 and the current Master Concept Plan was adopted at that time which included 110,047 square feet of building area and a maximum of 1,000 seats of sanctuary space. The current application is proposing to modify the previously approved total building square footage to 78,148 square feet but maintains the 1,000 seats of sanctuary space within two buildings rather than one building.

The existing church campus consists of the main sanctuary building, a thrift store, fellowship hall, children's building, caretaker cottage and other ancillary buildings which total approximately 28,048

square feet of space. The applicant states that the sanctuary currently accommodates 542 seats, however the 2012 approval indicates that the sanctuary has 660 seats in 29,692 square feet of floor area.

Since the original approval in 2012, the church has re-evaluated their needs and associated cost and is now proposing a revised Master Concept Plan. In the proposed plan, the previously approved 1,000 seat sanctuary has been replaced with a smaller multi-purpose building that can be utilized for worship, accommodating up to 458 seats. The applicant has indicated the existing sanctuary provides 542, although the prior approval indicated 660 seats. The total results in a 1,000 seat capacity on the campus. The proposed plan also reduces the size of several other buildings. The proposed total square footage of building area has been adjusted to 78,148 square feet from the 110,047 square feet in the previously approved Master Concept Plan. However, the site has been developed at this stage with 28,048 square feet and the proposed modification will add 50,100 square feet to the existing developed site, for a total of 78,148 square feet. Although this request provides for less square footage than the square footage approved in the prior Master Concept Plan, this application provides for additional classrooms, expansion of the thrift store and multipurpose building, which include sanctuary seats.

MASTER CONCEPT PLAN

The Master Concept Plan shows the proposed layout of the church property. Lords Way bisects the northern portion of the property. The existing thrift store is located on the northern parcel and has two access points from Lords Way. The remaining southern portion of the site has several access points on Lords Way, several on Highlands Avenue and a proposed right in/right out on US-41. The revised Master Concept Plan proposes a public sidewalk for the entire frontage of Highlands Avenue and along the northern frontage of Lords Way. The internal pedestrian system consists of a network of pedestrian pathways around the central core of the church campus with multiple pathways connecting the existing and proposed buildings. There are eight pedestrian connections proposed from the campus to the adjacent public right-of-way. There are two proposed crosswalks on Lords Way to connect the north parcel with the southern parcel.

The existing sanctuary building is located south of Lords Way. The proposed Master Concept Plan retains this building as the main sanctuary but an addition is proposed for administrative space. The existing fellowship hall and children building front Highlands Avenue as do the new proposed multi-purpose/sanctuary building, and additional multi-purpose building and a new maintenance building. The existing caretaker's cottage is in the southeast corner of the site. The community outreach building/thrift store is expanded and remains on the northern parcel of the property fronting Broadway East. The proposed total square footage of building is 50,100 square feet. The existing square footage is 28,048 square feet, for a total overall square footage of 78,148 square feet. The original approval was for 110,047 square feet with a 1,000 seat sanctuary. The number of proposed seats does not change in this application. Additional classrooms and an expanded thrift store are proposed, which could impact the overall functionality of the property. The services offered by the church could be utilized more frequently due to larger facilities and the options for additional programs due to the addition of more classrooms.

The 1,000 seat sanctuary at 1 parking space per 3 seats requires 334 parking spaces and a minimum of 50% of the required spaces must be paved. The applicant is proposing 334 spaces with 167 paved spaces. The remaining spaces are grass.

The applicant has supplied a landscape plan with the proposed Master Concept Plan. Native and low maintenance landscape plants are proposed. A Type E buffer is proposed on the west side, fronting US-41. This buffer will be 30 feet in width and no walls are proposed. A double hedge row of shrubs is also provided. The applicant is providing the quantity of trees required by the Land Development Code and adding slightly more shrubs than are required. The buffer on Lords Way, which is the north side of this parcel was previously approved for a deviation to reduce the required 20-foot buffer to 15-foot due to existing improvements. The applicant is providing the number of trees and shrubs that are required by the Land Development Code. A Type D buffer is proposed on the east side. Slightly more trees and shrubs are being proposed than are required. The buffer on the south side is a Type A buffer.

The site is within the US-41 Overlay district. This requires the buffer adjacent to the parking areas to provide an undulating berm 2 feet in height. The applicant is proposing to meet this requirement. The buffers provided for this project are generally designed to meet the Land Development Code requirements.

The dry detention area on the southernmost portion of the site has a pedestrian pathway around it and a community focal point / shaded seating area is proposed adjacent to the detention area adjacent to US-41. The detention area has been previously approved for a deviation to eliminate wetlands planting which allows it to be utilized for outdoor play in dry seasons.

The existing monument sign on US-41 will be replaced to comply with the current Land Development Code regulations for the Village.

STAFF ANALYSIS

The staff analysis section of this report includes information on various issues, such as environmental issues, transportation impacts, comprehensive plan considerations (including Estero-specific goals and policies), and other related issues.

When the Planning and Zoning Board evaluates a zoning case, they must review these issues and provide a recommendation to Council. In order to assist, staff has provided a summary of the project's advantages and disadvantages below. Following this section is more information on each of these issues described above.

Summary of Advantages and Disadvantages

Disadvantages

- The expansion of the church will increase traffic generation.
- The mix of uses will result in the facility being used more frequently and will result in additional traffic.
- The applicant is not proposing to enhance buffers on this prominent site in the Village and

- is proposing to remove heritage trees.
- There is no connection available to the sewer system and the site is proposing to rely on septic for the foreseeable future.
- The focal point proposed by the applicant should be enhanced.

Advantages

- The proposed amended Master Concept Plan reduces the total build square footage on the site from 110,047 square feet to 78,148 square feet.
- The Master Concept Plan proposes a community focal point / shaded plaza near the detention pond area along US-41. A pedestrian path is also proposed around the detention pond.
- Pedestrian improvements are proposed around the site, within the site and between buildings and to the exterior facilities.
- The existing monument sign is proposed to be brought into compliance with the Village Code requirements.
- A large heritage oak tree near US-41 will be preserved.

Height

The approved Master Concept Plan established a maximum building height of 45 feet for the sanctuary building and 35 feet for all other buildings. The proposed Master Concept Plan retains the same height limitations.

Neighborhood Compatibility Issues

The properties to the east of this site are single family residences. At the far southern end of the east side of the site is the vacant Estero on the River property that is zoned MPD. North of the property includes a shopping center, a post office and a single family home with a mobile home zoned AG2. South of the property includes a commercial structure. US-41 is the western boundary of the property. Across US-41 is conservation land and single family use.

The church exists at this location. The expansion is generally compatible with the neighborhood since there is a mix of uses bordering this facility. However, the expansion will bring additional traffic into the neighborhood. There are also expanded uses proposed on this property which will result in greater impacts. Specifically, the Master Concept Plan indicates multiple classrooms are proposed, which requires additional parking and affects the traffic.

There are also numerous trees that will be removed including heritage oak trees. Also, the proposed buffer is not enhanced. An enhanced buffer would provide a better visual barrier between the enlarged parking lot and the abutting properties.

The applicant is proposing a focal point at the western side of the property along US-41 near the dry retention area. This includes a community patio space that is linked to the sidewalks to enhance pedestrian connectivity to the site. It includes seating with trees and architectural columns. This is an improvement for the community, but could be upgraded to provide an enhanced design and materials.

Environmental Issues

Staff performed an environmental inspection on the property. The following are the findings:

- There are no wetlands on the site.
- There are no native vegetative communities or critical habitat that could support listed species.
- There are no imperiled (listed) species on the site and no potential since there is no critical habitat.
- There are no floodways.
- There is a portion of the site that falls within the Special Flood Hazard Area on the FIRM map, therefore the provisions in LDC Sections 6-401 apply.
- To the south and the west of the existing Sanctuary there are installed landscape trees, most are Live Oaks.
- The majority of the site is maintained in a mowed state; however, there are native and indigenous trees on the site.
- There are six Live Oaks heritage trees on the site. The site also has two Mangos and one Hong Kong Orchid. The Mangos and Hong Kong Orchid are not on the Lee County native and indigenous list and are therefore not considered protected. However, it is worth noting that these trees are substantial in Diameter Breast Height (DBH).

The applicant has noted on the Master Concept Plan, that the large heritage Oak tree will be preserved. There are heritage Pine trees on the north parcel which are already conditioned to be preserved through the prior zoning resolution and no changes are proposed to that parcel or the previous condition.

Water and Sewer

The property is located within Lee County Utilities Future Service Area. Potable water lines are in operation adjacent to the parcel on Broadway East, Highlands Avenue and Lords Way. Wastewater lines are in operation along US-41 approximately 700 feet north of the subject parcels. However, in order to provide service to the parcels, developer funded system enhancements such as line extensions will be required.

The applicant has indicated that this project will consist of an institutional unit with an estimated build-out flow demand of approximately 5,927 gallons per day. Lee County Utilities has indicated they presently have sufficient capacity to provide potable water and wastewater service to accommodate the proposed demand. Availability of potable water and wastewater service is contingent upon final acceptance of the infrastructure to be constructed by the developer. Upon completion and final acceptance of this project, potable water service will be provided through the Pinewoods Water Treatment Plant.

Lee County Utilities has recognized that the Estero United Methodist Church will develop over time and will connect to wastewater service at such time that the threshold set by Land Development Code 10-353(a) is surpassed. The threshold is any development that generates more than 5,000

gallons per day. Therefore, the applicant must connect to the sewer system at some future point in time. Wastewater service will be provided by the Three Oaks Wastewater Treatment Plant.

The prior rezoning approval in 2012 anticipated connection to the sewer system. The Lee County staff report for the 2012 rezoning approval stated that the project would connect to the central sewer system (Lee County Utilities). This was also stated by staff in the Hearing Examiner testimony. The applicant's engineer provided testimony confirming that the applicant understood that on-site septic was not appropriate. Unless the applicant could demonstrate to the satisfaction of the Village and Lee County Utilities that such connection is not warranted, an expansion of the infrastructure system is required which will eliminate the septic system for this property.

A condition has been included to address the connection to central sewer.

Transportation Issues

The Estero United Methodist Church will be served by existing full access driveway connections along Lords Way and Highlands Avenue as well as a new restricted right turn in and right turn out driveway connection along US-41/Tamiami Trail. The proposed development is increasing the total number of seats by 460 seats from 540 seats to 1,000 seats. In addition, the Master Concept Plan includes the approval for 110,047 square feet of gross floor area. The applicant is requesting to decrease the gross square footage from 110,047 square feet to 78,148 square feet. The existing gross building square footage on site is 28,048 square feet. The existing thrift store will be expanded from 3,050 square feet to 6,150 square feet.

The 78,148 square feet of gross building area (1,000 seats) which includes 6,150 square feet of thrift store will generate 957 daily two way trips, 40 weekday A.M. peak hour trips, 67 weekday P.M. peak hour trips and 610 Sunday peak hour trips. Therefore the net new trips generated is 561 additional daily trips, 26 additional weekday A.M. peak hour trips, 24 additional weekday P.M. peak hour trips and 281 Sunday peak hour trips. These numbers do not include any trips generated from ancillary land uses on site including classrooms and offices.

The applicant's traffic statement provided an evaluation of the adjacent roadway links for the existing and future scenarios. The most directly accessed road segment for the subject development parcel is US-41/Tamiami Trail with the closest major intersection being US-41/Tamiami Trail and East Broadway. The following is the result of the road segment analysis for existing and future conditions per traffic data provided in the applicant's traffic impact statement. Traffic count data used for the road segment analysis in the applicant's traffic impact statement was taken from the Lee County 2015 Concurrency Report. An annual growth rate of 1.0% was applied to the 2015 peak hour peak direction volume for U.S. 41/Tamiami Trail and the project trips were added in order to provide the 2022 peak hour peak direction volume. An annual growth rate of 5.6% was applied to the 2015 peak hour peak direction volume for Broadway Avenue and the project trips were added in order to provide the 2022 peak hour peak direction volume. The table indicates that these two road segments will operate at an acceptable level of service at project buildout in the year 2022. The analysis showed that US-41/ Tamiami Trail will continue to operate at a LOS C and Broadway Avenue will operate at a LOS D through the year 2022.

Roadway Link	Roadway Link Location	2014 Peak Hour Peak Direction Volume	2014 LOS	2022 Peak Hour Peak Direction Volume	2022 LOS
U.S. 41/ Tamiami Trail	North of Broadway	1858	C	2,018	C
U.S. 41/ Tamiami Trail	South of Broadway	1858	C	2,017	C
Broadway Avenue	West of U.S. 41/ Tamiami Trail	239	C	372	D
Corkscrew Road	U.S. 41/Tamiami Trail to Three Oaks Parkway	688	C	700	C

Note(s): Information taken from Traffic Impact Statement for Estero United Methodist Church Expansion- prepared by Transportation Consultants, Inc. dated 06/03/16

Staff recommends that a northbound right turn lane be provided on US-41/Tamiami Trail at the new driveway connection to the United Methodist Church. This request is consistent with the similar request made by the Florida Department of Transportation who owns and maintains the US-41/Tamiami Trail right-of-way. US-41/Tamiami Trail has an existing speed limit of 50 mph. A separate northbound right turn lane with sufficient storage and transition will aid in safe and adequate access for vehicles on this high speed facility at the proposed new ingress egress driveway opening.

The applicant has addressed site parking for the sanctuary land use but not the other ancillary uses such as day car, school class rooms and offices. Staff recommends that the applicant provide a parking statement which addresses site parking for these other land uses.

Comprehensive Plan Considerations

The current Future Land Use designation for this property is Urban Community. The Urban Community designation (Policy 1.1.4) is intended for areas characterized by a mixture of related intense commercial and residential uses. Although the Urban Community designation areas have a distinctly urban character, the area should be developed at slightly lower densities. The predominant land uses in the Urban Community area residential, commercial, public and quasi-public, and limited light industry with future development in this category encouraged to be developed as mixed-use where appropriate.

An evaluation of pertinent Comprehensive Plan Policies is below:

Objective 2.1 – Development Location – Contiguous and compact growth patterns will be promoted through the rezoning process to contain urban sprawl, minimize energy costs, conserve land, water, and natural resources, minimize the cost of services, prevent development patterns where large tracts of land are by-passed in favor of development more distant from services and existing communities.

The proposed planned development amendment is for the expansion of an existing church and associated uses. Since the site is already utilized by the church, its expansion fits within the

framework of the existing development patterns of the area and is not leading to urban sprawl since it further develops the existing site.

POLICY 56.1.5: County development regulations will be amended to specify that no county development order under the Development Standards Ordinance for a residential development more intense than 2.5 dwelling units per gross acre, or for any commercial or industrial development that generates more than 5,000 gallons of sewage per day, will be issued in any franchised or certificated sanitary sewer service area, without a connection to such service if capacity is available at the minimum acceptable level of service anywhere within 1/4 mile of the development. This policy will in no way exempt any development of any size from meeting the levels of service required for concurrency under Policies 56.1.2 and 95.1.3.

The property is currently on a septic system. Wastewater lines are in operation along US-41 approximately 700 feet north of the subject parcels. However, in order to provide service to the parcels, developer funded system enhancements such as line extensions will be required. Lee County Utilities has recognized that the Estero United Methodist Church will develop over time and will connect to wastewater service at such time that the threshold set by Land Development Code 10-353(a) is surpassed. Therefore, the applicant must connect to the sewer system at a future point in time.

Objective 19.1 - CHARACTER & LAND USE. Promote community character through the implementation of planning and development practices that create a visually attractive community, an enhanced quality of life, and foster a unique sense of place.

The Estero United Methodist Church is proposing an Old Florida architectural theme which is in keeping with the existing character of Estero. The existing church buildings also utilize the Old Florida theme and match the adjacent residential neighborhood (across Highlands Avenue) style architecture which has historic 'cracker' style houses. The proposed landscaping, berms, community focal point and pedestrian sidewalks and pathways will be visually attractive. However, a church does bring traffic to a site and the additional mix of uses proposed in this amendment could result in more use of the property. This will impact the neighboring single family neighborhood.

Policy 19.2.1 – Where feasible, provide for the development of walkable mixed-use town centers and economic areas featuring diverse housing options; government offices and public facilities; medical facilities; employment centers; public gathering places, parks, outdoor plazas, and other public spaces; greenway trails and pathways; and public access to the community's natural resources through Lee Plan policies and LDC regulations that support Estero's distinct community character and the following community priorities:

a. Support the development of a central town center to unify the community;

b. Improve the connectivity between Estero's residential neighborhoods, economic areas, civic uses, and park and recreational facilities;

c. Diversify the community's economic base and employment opportunities;

d. Encourage the development of targeted industry clusters – particularly health industries, professional services and businesses, and technology, research, and development;

e. Expand multi-modal transportation options through improved pedestrian access, bikeways, transit service, and rail opportunities;

f. Improve access to the community's blueways – particularly the Estero River - , greenway trails, other open spaces;

g. Promote the community's cultural and historic resources; public spaces, parks, and recreational facilities; and other community amenities;

h. Commercial and mixed-use developments will maintain a unified and consistent aesthetic/visual quality in landscaping, architecture, lighting, and signage; and

i. Promote and incentivize private investment within mixed-use centers and economic areas.

The proposed planned development amendment will improve the connectivity within the immediate area because of the planned sidewalks around the perimeter of the site, the interior pedestrian pathways that connect to the surrounding sidewalks and the proposed pathway around the detention area. A community focal point is also proposed, but could be enhanced to provide a greater public benefit.

Policy 19.4.1- Establish land development code standards that ensure the development of a well connected transportation system that includes pedestrian pathways, bikeways, transit, and roadways. These standards should:

a. Require, where feasible, interconnects with adjacent uses;

b. To the extent feasible, minimize access points onto primary road corridors by providing multiple accesses to adjacent properties;

c. Link neighborhoods, commercial and mixed-use centers, public facilities, and parks; and

d. Enable multi-modal transportation access (pedestrian, bike, vehicular, and transit) within and between the different neighborhoods, economic and employment centers, civic uses, and public space, park, and recreational facilities within the Estero Community.

The proposed planned development amendment will improve the connectivity within the immediate area because of the planned sidewalks around the perimeter of the site, the interior pedestrian pathways that connect to the surrounding sidewalks and the proposed pathway around the detention area and community focal point. The existing and expanded church use will also increase the mix of uses in the area which includes single-family residential and commercial uses

The proposed Master Concept Plan for the Estero United Methodist Church expands the public space opportunities in the area since it includes a community focal point / shaded plaza. Multiple connections to the US-41 sidewalk are proposed, including a connection in proximity to the existing Lee Tran Bus stop located along the project's frontage. Also, the proposed pedestrian pathway around the dry detention area will connect the west side of the property (US-41) with the east side of the property (Highlands Avenue).

Deviations

There are no new deviations proposed with the amended Master Concept Plan. However, there are currently four deviations that were approved for the existing Master Concept Plan and the applicant is requesting that the four deviations remain in place for the amended Master Concept Plan. Staff does not object to the requested deviations. The following is a summary of the four deviations.

Deviation #1 is from LDC Section 33-111(d) which requires all dry detention basins be planted with wetland type plant species. The deviation allows the southernmost dry detention area to be left unplanted and be utilized as an outdoor field in dry conditions.

Staff Comment: Staff supports this deviation as it allows utilization of the property and does not require any wetlands to be mitigated and that the storm water system is not negatively impacted.

Deviation #2 is from LDC Sections 33-351 and 34-2192(a) which requires a minimum 20-foot wide Type "D" buffer and a minimum 25-foot street setback along the east property line adjacent to Highlands Avenue. The deviation allows an existing building to remain which has a +/-14-foot street setback from Highlands Avenue and to encroach 0.8 feet into the required buffer width and allows a 80-square foot concrete pad and 4-foot wide sidewalk from the building to Highlands Avenue to remain and encroach into the required buffer width.

Staff Comment: This deviation is not applicable to any proposed structure as part of this amendment. It is only applicable to the existing structures previously developed.

Deviation #3 is from LDC Section 10-285 which requires a 125-foot separation distance between road and non-residential driveway intersections. The deviation allows a 116-foot separation distance from Mockingbird Lane to the northernmost driveway on Highlands Avenue.

Staff Comment: This is an existing driveway connection and will not be modified by this application. The driveway connection was previously found to not be detrimental to the public health, safety and welfare.

Deviation #4 is from LDC Section 33-351 which requires a minimum 20-foot wide Type "D" buffer along Lords Way. The deviation allows a 15-foot wide Type "D" buffer adjacent to both sides of Lords Way. There is no reduction in landscape materials but allows existing improvements to remain.

Staff Comment: The site has existing improvements that conflict with the required buffer. The request is to continue the buffer with the same width as the existing condition.

FINDINGS AND CONCLUSIONS

After balancing the advantages and disadvantages of this project and its impacts, the Planning and Zoning Board will make a recommendation to the Village Council on the application. Based upon analysis of the application and standards for approval in the Land Development Code, staff has proposed the following Findings of Fact for review:

1. The applicant has provided sufficient justification for the Planned Development Amendment by demonstrating compliance with the Land Development Code.
2. The project, as conditioned, is consistent with the standards in the Community Facilities Planned Development district and compatible with existing or planned uses in the surrounding area.
3. The project will be required to connect to the sewer system per the requirements in the Florida Administrative Code, the Land Development Code, the Comprehensive Plan and the prior 2012 approval, Z-12-010.
4. The proposed uses, as conditioned, are appropriate at the subject location.
5. The traffic generated by this project will not create any level of service issues. The turn lane on US-41 will address operational and safety issues.
6. The previously approved deviations have no additional impact on the revised site plan.

ATTACHMENTS:

- A. Staff Conditions
- B. Zoning Map
- C. Land Use Map
- D. Master Concept Plan
- E. Applicant Information
- F. Zoning Resolution Z-12-010

ATTACHMENT "A"
Estero United Methodist Church

CONDITIONS

1. The development of this project must be consistent with the one-page Master Concept Plan entitled, "ESTERO UNITED METHODIST CHURCH", MASTER CONCEPT PLAN stamped Received _____. The development must comply with all of the requirements of the LDC at the time of development order approval. If approved by the Village Council, the plan amendment will allow a maximum of 78,148 square feet of building space including 1,000 seats of sanctuary space within two buildings. The maximum height of the sanctuary building is 45 feet and 35 feet for all other buildings.
2. The previously approved rezoning approval for the subject site (Lee County Resolution Z-12-010) remains in effect except for conditions #1 and #3.
3. Due to the existing speed limit of 50 mph on US-41/Tamiami Trail, a northbound right turn lane shall be provided into the proposed new ingress egress opening prior to submittal of the first building permit for a primary structure.
4. The Community Focal Point / Shaded Seating Area shall be enhanced with upgraded features or landscaping and design for a parklike setting. The plans will be reviewed by the Design Review Board prior to issuance of a development order.
5. Uses and Site Development Regulations:

Schedule of uses:

Accessory uses and structures
Administrative offices
Caretaker's residence, limited to Building #18 as depicted on the MCP
Community garden in accordance with LDC Section 34-1716
Day care center: adult, child
Essential services
Essential services facilities, Group I
Excavation: water retention
Fences, walls
Parking lot: accessory
Place of worship, limited to a 1,000 seat sanctuary
Recreation facilities, private on-site
Religious facilities

Signs, in accordance with Chapter 30 and Chapter 33
Schools, non-commercial
Storage, indoor
Temporary uses, permitted in accordance with LDC Section 34-3041
Used merchandise stores, Group I, Limited to Parcel #1

Site Development Regulations:

Parcel #1	Minimum lot area:	2.31 +/- acres
	Minimum width:	220 +/- feet
	Minimum depth	413 +/- feet
Parcel #2	Minimum lot area:	10.66 +/- acres
	Minimum width:	853 +/- feet
	Minimum depth	528 +/- feet
	Minimum building setbacks	Street: 25 feet Side: 15 feet Rear: 15 feet
	Minimum building separation:	20 feet
	Maximum building height:	45 feet – sanctuary only 35 feet – all other buildings
	Maximum lot coverage:	20%
	Minimum open space:	34.8% (4.51 +/- acres)

6. No Blasting

No development blasting is permitted as part of this project.

7. Utilities

The project will be required to connect to the sewer system at such time as the threshold of 5,000 gallons per day is exceeded.

8. Lighting

Lighting of the subject property must be in compliance with Land Development Code. Lighting of the recreational fields and loudspeakers shall be prohibited.

9. Architecture

Development must include a unified "Old Florida" architectural theme for all buildings, subject to review by the Design Review Board.

10. Buffers

Buffers shall be enhanced where possible to provide adequate screening of the parking and residential areas. The buffers are subject to review by the Design Review Board.

11. Heritage Tree Preservation

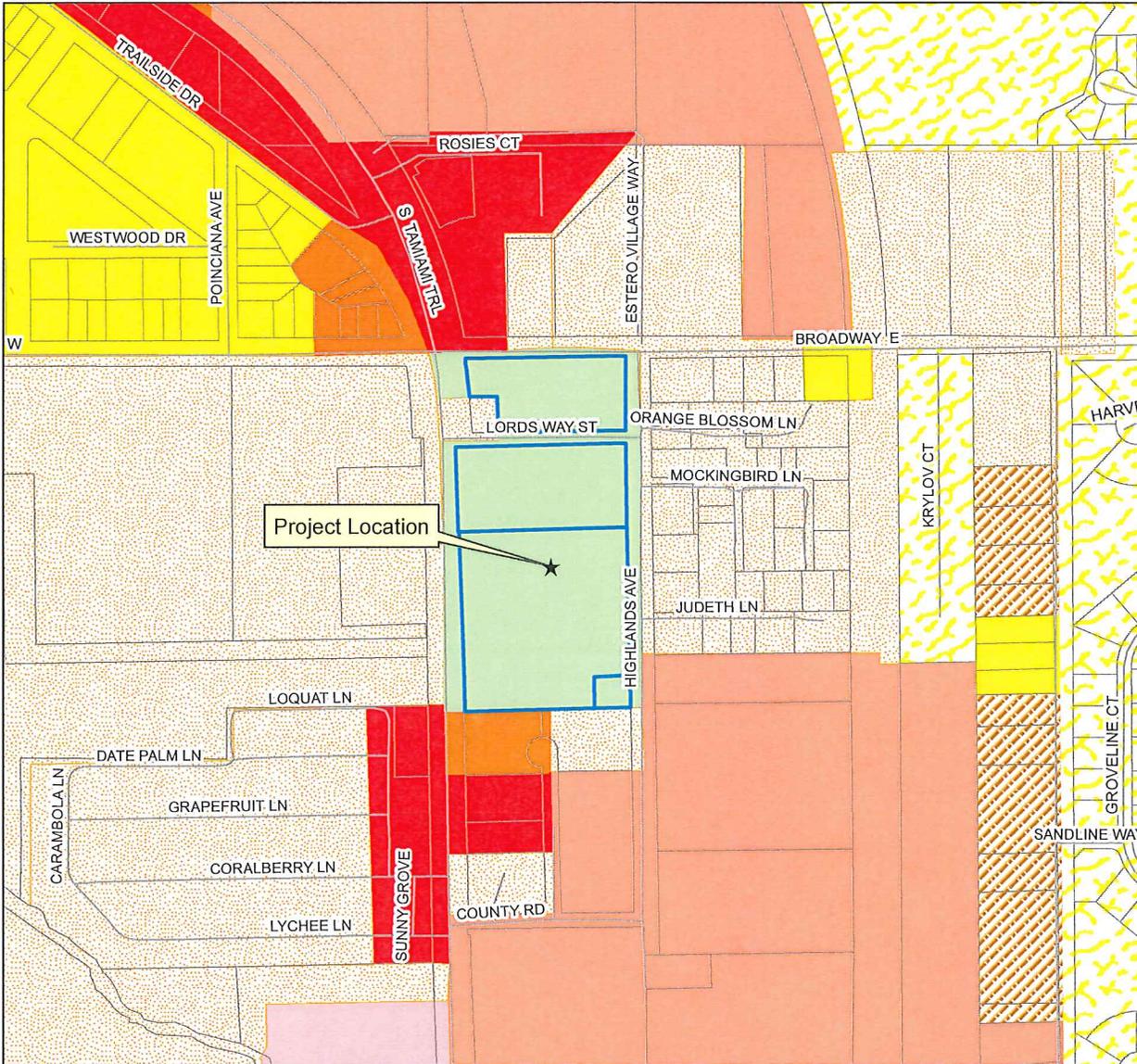
To ensure protection of the native trees located on Parcel #2:

- a. Prior to a local development order approval for Parcel #2, the landscape plans must depict preservation for the Live Oak Heritage Tree.
- b. Documentation that the trees that are removed will be replaced at a 5:1 credit ratio.
- c. Prior to issuance of a vegetation removal permit, the preserved trees must be staked and field verified for appropriate protection measures (such as root pruning, tree barricades and root barriers) by a certified arborist.

12. The prior deviations are approved as conditioned in Zoning Resolution Z-12-010.



The Village of Estero Zoning Map



Legend

- Town Boundary
- Zoning
 - AG-2
 - AG-3
 - C-1
 - C-1A
 - CC
 - CF
 - CFPD
 - CPD
 - CS-2
 - CG
 - EC
 - IL
 - MH-1
 - MH-2
 - MH-3
 - MHC-2
 - MPD
 - PUD
 - RM-2
 - RPD
 - RPD-CPD
 - RS-1
 - RS-2
 - RS-3
 - RS-4
 - RSA
 - RSC-1
 - RV-3
 - TFC-2



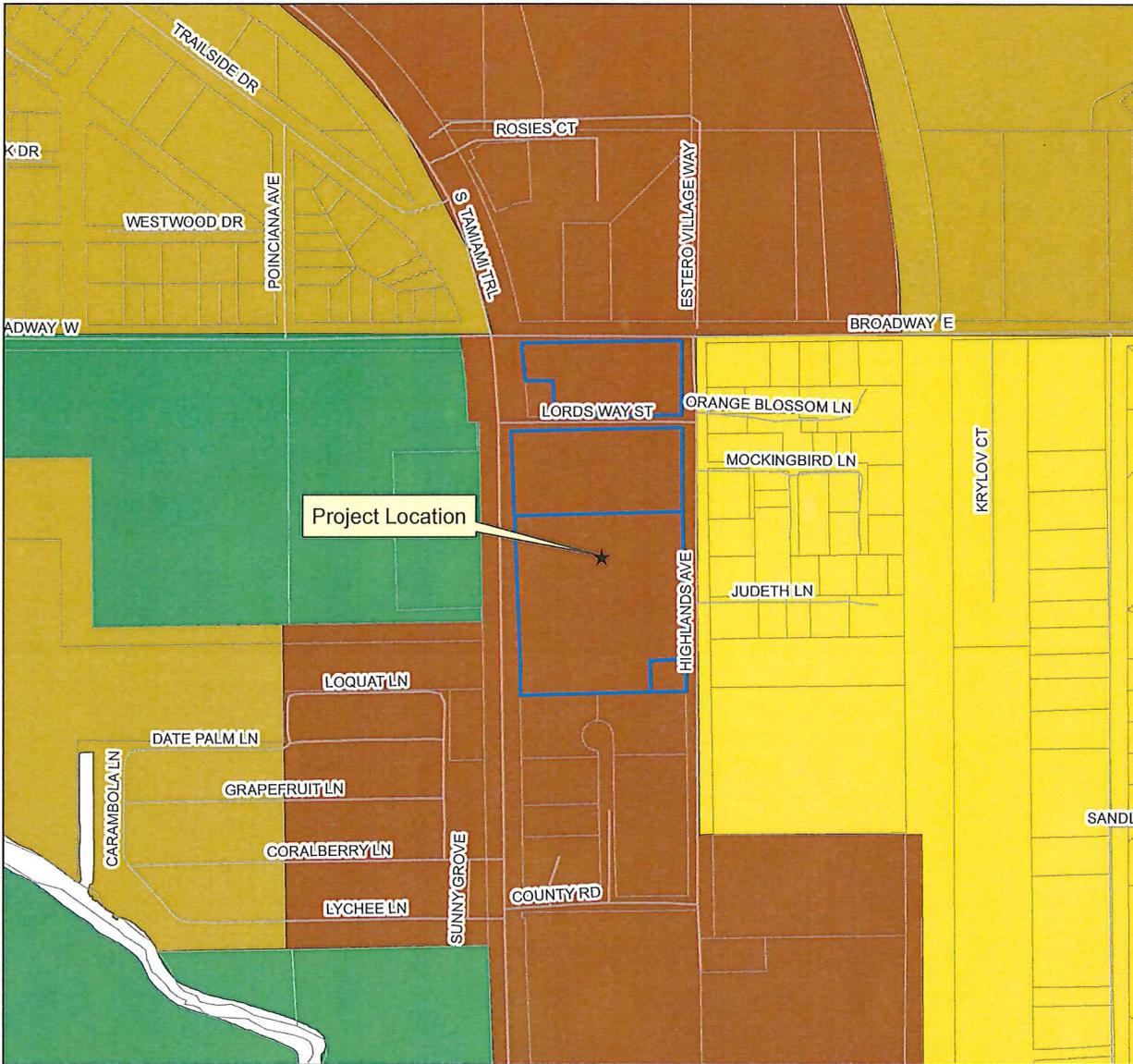
Print Date: 10-24-2016

Calvin, Giordano & Associates, Inc. EXCEPTIONAL SOLUTIONS

Produced and maintained by the CGA Geographic Information Systems Services



The Village of Estero Future Land Use Map



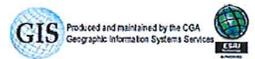
Legend

- Town Boundary
- Land Use**
- Conservation Lands Upland
- Conservation Lands Wetland
- Density Reduction/ Groundwater Resource
- General Interchange
- Intensive Development
- Outlying Suburban
- Public Facilities
- Rural
- Suburban
- University Community
- Urban Community
- Wetlands



Print Date: 10-24-2016

Calvin, Giordano & Associates, Inc.
EXCEPTIONAL SOLUTIONS



Applicant's Information

ESTERO UNITED METHODIST CHURCH

REQUEST NARRATIVE

Introduction:

The attached application is for a Planned Development Amendment for the Estero United Methodist Church. The site is located at the southeast corner of US 41 & Broadway Avenue East in Estero, Florida. The property is bisected by Lords Way, a public local road, and bound by Highlands Avenue, also a local public road, on the east. The site is bordered to the south by an existing animal clinic and existing CenturyLink communications facility.

The Church campus currently consists of the main sanctuary (Bldg 2A), a thrift store (Bldg 7), fellowship hall (Bldg 9), children's building (Bldg 10), caretaker cottage (Bldg 18) and other ancillary buildings which total approximately 28,048 square feet of space. The Sanctuary currently accommodates 542 seats. The existing buildings and associated square footages are shown on the Master Concept Plan.

In 2012, the Church property was rezoned from AG-2 to Community Facilities Planned Development (CFPD) in Resolution Z-12-010. The plan at that time contemplated a new large single 1,000 seat sanctuary, expansion of the existing sanctuary building, expansion of the thrift store, and several large multi-purpose and/or ancillary buildings. The rezone approved a total of 110,047 square feet of building area and a maximum of 1,000 seats of sanctuary space. This resolution and associated Master Concept Plan are included in this submittal.

Since that time, the Church has re-evaluated their master plan and the associated costs. The result of this re-evaluation is a more realistic, achievable, and affordable plan. The zoning Master Concept Plan has been revised accordingly. The previously proposed new 1,000 seat sanctuary has been replaced with a smaller multi-purpose building that can be utilized for worship, accommodating up to 458 seats, which supplements the existing sanctuary to create a 1,000 seat capacity on campus. Several other buildings have been removed or scaled down to a realistic size to meet the demands of the future day to day operations of a church of this size. The proposed total square footage of building area has been reduced to 78,148 square feet, a reduction of 31,899 square feet, nearly 29%.

The plan has also been refined to frame a central courtyard area that is shielded from view and noise from the adjacent public roadways by the proposed buildings. The courtyard, existing and proposed buildings are connected by pedestrian sidewalk network with multiple connections to the adjacent public roadways.

Another change in the current plan is a modification to the expansion of the existing sanctuary building. Currently, the southeast wing of the building houses the administrative functions of the Church including offices, classrooms, conference space, storage, etc. The proposed plan includes an expansion of the existing building to the south creating a rectangular wing, with open central courtyard. The expansion will primarily be utilized for classrooms for Sunday school, allowing it to be in the same building as the Sanctuary.

There are no changes proposed to the northern parcel (Parcel 1) where the existing thrift store sits. The thrift store was constructed in the early 2000's and represents an Old Florida architectural style, consistent with the surrounding neighborhood. This style will be incorporated into all future buildings.

Otherwise, the Master Concept Plan is generally consistent with the original resolution. The dry detention area is located in the southwest corner of the property and creates a large buffer between the church functions and the neighboring properties to the south. Access points to the adjacent public streets are unchanged. There are no proposed changes to the conditions or deviations approved in Resolution Z-12-010. No new deviations are proposed.

Adjacent Uses:

The Estero United Methodist Church is bound by public right-of-way on all sides except the southern boundary. Broadway Avenue West is the northern boundary, US 41, the western, and Highlands Avenue the eastern. Lords Way bisects the property. The south property line is bordered by an animal clinic and CenturyLink communications facility.

Access:

Access points were evaluated during the original rezone in 2012. Condition 7 in Resolution Z-12-010 elaborates the approved driveways which are unchanged in the current plan and are shown on the proposed Master Concept Plan.

There are multiple access points on Lords Way which have existed since the initial construction of the church and were recognized as existing access points in the original zoning. These existing will be utilized without modification.

There are two proposed access points on Highlands Avenue that match the locations approved in the original zoning, utilizing the previous approved deviation for separation (Deviation #3).

A new access point, right in/right out, is proposed on US 41 approximately 530 feet south of Lords way in the location of the existing driveway.

Pedestrian Connectivity:

The Master Concept Plan depicts the proposed pedestrian facilities both internal to the campus and within the adjacent public rights-of-way. The surrounding roadways are County maintained local streets (Highlands Ave. & Lords Way) and minor collector streets (Broadway Ave. E). The Estero United Methodist Church is a religious facility/place of worship. Although the LDC only requires sidewalks on local and minor collector streets for office and commercial projects, the applicant has proposed a public sidewalk for the entire frontage of Highlands Avenue and along the north frontage of Lords Way. These sidewalks create a pedestrian network within the public right-of-way linking US 41 to the Church campus the existing residential neighborhood to the east. Future projects in the area will expand this network east and south.

The internal pedestrian system consists of a network of pedestrian pathway around central core of the Church campus with multiple pathways connecting the existing and proposed buildings. There are eight proposed pedestrian connections from the campus to the adjacent public right-of-way. These locations have been selected to provide direct and efficient access to the major interior functions, central courtyard, and existing Lee Tran stop on US 41. Two crosswalks over Lords Way are proposed in addition the existing crosswalk near the thrift shop.

The large dry detention area in the southern portion of the property shows the required perimeter path, benches and plaza. The path connects to both US41 and Highlands Avenue creating a second east/west pedestrian corridor at the south end of the project. The shaded seating area has been incorporated into the US 41 buffer and enhanced with decorative columns and landscaping to create a focal point on the US 41 frontage.

Phasing:

There is no phasing proposed with this zoning application. The Church will develop over time however. The first project planned is the expansion of the existing Sanctuary (Bldg. 2).

Deviations:

There are no new deviations proposed with this application. There are currently 4 deviations approved with this project which are still necessary with the master plan revision as detailed below:

Deviation #1

Deviation 1 was approved to reduce the plantings required in the southern dry detention area. The southern dry detention has been design to also be utilized as outdoor field in dry conditions. This is unchanged with this application and deviation is still applicable to the project.

Deviation #2

Deviation 2 was granted allow an existing covered porch for the youth building (Bldg 12) to encroach into the buffer. This is an existing condition and therefore deviation is still needed.

Deviation #3

Deviation 3 was granted reducing the required 125' intersection separation to 116' for one of the Highlands Ave access points. The previously approved access points have been maintained in the revised Master Plan.

Deviation #4

Deviation 4 was approved to reduce the buffer width for Lords Way. This road is a public local street and would typically require a 20' buffer. The existing improvements were approved and constructed leaving only 15' of buffer area. The deviation allows the existing improvements to remain. Note there is no reduction in landscape material, just the width of the buffer.

Signage:

Any proposed signage onsite will be accordance with the LDC and reviewed at the time of Development Order. The existing monument sign on US 41 will be remodeled to comply with current LDC regulations and be more consistent with the existing and proposed buildings onsite.

Architecture:

The Estero United Methodist Church proposed an Old Florida architectural theme. This matches the adjacent residential neighborhood to the east which has historic 'cracker' style houses. The existing thrift shop utilizes Old Florida architecture. The proposed expansion of the existing sanctuary is in design and preliminary elevations have been presented to the Estero Design Review Board during a recent workshop and were very well received by the Board.

Zoning Resolution

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

WHEREAS, David E. McKee filed an application on behalf of the property owner, Estero United Methodist Church, Inc., to rezone a 12.97± acre parcel from Agricultural (AG-2) to Community Facilities Planned Development (CFPD) in reference to EUMC Rezoning; and

WHEREAS, a public hearing before the Lee County Zoning Hearing Examiner, Diana M. Parker, was advertised and held on May 9, 2012; and

WHEREAS, the Hearing Examiner gave full consideration to the evidence in the record for Case #DCI2011-00010 and recommended APPROVAL of the Request; and

WHEREAS, a second public hearing was advertised and held on August 20th, 2012 before the Lee County Board of Commissioners; and,

WHEREAS, the Lee County Board of Commissioners gave full and complete consideration to the recommendations of the staff, the Hearing Examiner, the documents on record and the testimony of all interested persons.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS:

SECTION A. REQUEST

The applicant filed a request to rezone a 12.97± acre parcel from AG-2 to CFPD, to allow expansion of an existing religious facility. A maximum of 110,047 square feet of development is requested. The maximum height is 45 feet for a proposed sanctuary only; all other buildings will have a maximum height of 35 feet. The development will connect to potable water and sanitary sewer. No development blasting is proposed.

The property is located in the Urban Community Future Land Use Category and is legally described in attached Exhibit A. The request is APPROVED, SUBJECT TO the conditions and deviations specified in Sections B and C below.

SECTION B. CONDITIONS:

All references to uses are as defined or listed in the Lee County Land Development Code (LDC).

1. Development of this project must be consistent with the one-page Master Concept Plan (MCP) entitled "Estero United Methodist Church," prepared by David McKee, last revised 3/5/12, and attached hereto as Exhibit C, except as modified by the conditions below. Development must comply with all requirements of the LDC at time of local development order approval, except as may be granted by deviation as part of this planned development. If changes to the MCP are subsequently pursued, appropriate approvals will be necessary.

2. Master Concept Plan/Development Parameters

- a. Prior to local development order approval, the applicant must record a deed with a single legal description that combines the parcels that comprise Parcel #2 (as depicted on the MCP) of the subject property, such as the description attached as Exhibit A.
- b. Special Exception SEZ2007-00007, which granted a Special Exception for a religious facility, is superseded by this action and is hereby null and void.

3. Uses and Site Development Regulations

The following Limits apply to the project and uses:

a. Schedule of Uses

Accessory uses and structures
Administrative offices
Caretaker's residence, limited to Building #18 as depicted on the MCP
Community Garden in accordance with LDC §34-1716
Day care center: Adult, Child
Essential Services
Essential Service Facilities, Group I
Excavation: Water Retention
Fences, walls
Parking lot: Accessory
Place of worship
Recreation facilities, private on-site
Religious facilities
Signs, in accordance with Chapter 30
Schools, non-commercial
Storage, indoor
Temporary Uses, permitted in accordance with LDC §34-3041 *et seq.*
Used merchandise stores, Group I, limited to Parcel #1

b. Site Development Regulations

Parcel #1	Minimum lot area	2.31± acres
	Minimum width	220± feet
	Minimum depth	413± feet
Parcel #2	Minimum lot area	10.66± acres
	Minimum width	853± feet
	Minimum depth	528± feet
Minimum building setbacks		Street: 25 feet
		Side: 15 feet
		Rear: 15 feet

Minimum building separation	20 feet
Maximum building height	45 feet - sanctuary only 35 feet - all other buildings
Maximum lot coverage	20%
Minimum open space	34.8% (4.51± acres)

4. Parking: Parking must be provided as required by LDC §34-2052(b). Up to 50 percent of the parking spaces required for the sanctuary may be provided as parking on grass, subject to the requirements of LDC §§ 34-2016(2)b. and 34-2052(c).

5. Thrift Store: The thrift store (Used Merchandise Stores, Group I) is limited to development on Parcel #1, the buildings labeled 1A, 1B, and 7 on the MCP, with the following additional conditions:

Development must be in substantial compliance with the MCP and is limited to a church-operated thrift center with a maximum area of 10,630 square feet.

The use of the thrift center will be limited to sales of donated household items permitted within the Used Merchandise Stores, Group I activity group (LDC §34-622(c)54)) to the general public.

Hours of operation for the thrift center are limited to: 8:30 a.m. to 6:00 p.m., Monday through Saturday. No Sunday operation.

Outside sales or display of thrift center merchandise (including the open-air porch) will be prohibited. All merchandise sales and display will be limited to inside of the thrift center.

6. Recreational Field: The dry detention stormwater management area adjacent to the southern property line may be used for recreational purposes provided no impacts are made to the stormwater management infrastructure. No permanent recreational equipment may be installed. Lighting of the recreational field and loudspeakers are prohibited.

In accordance with LDC §33-117, a 5-foot-wide unpaved walkway with the required trees and benches must be incorporated into the overall design of the project. Lighting of the walkway must be consistent with LDC §§ 10-610(b), 33-116 and 34-625.

7. Access: Access is approved in substantial compliance with the MCP (Exhibit C). On Parcel #1, access is limited to two driveways on Lords Way. On Parcel #2, access is limited as follows: two driveways on Highlands Avenue; three driveways on Lords Way; and one driveway on US 41. The proposed access on US 41 is subject to the approval of Florida Department of Transportation (FDOT).

8. Intersection Analysis/Level of Service: At the time of local development order, an intersection analysis of full build-out Sunday peak hour conditions at the US 41/Broadway intersection must be provided. Should level of service concerns arise as a result of the added Estero United Methodist Church traffic, the developer will be required to provide necessary intersection improvements to relieve the deficiencies to the greatest extent possible as determined by Staff.

9. Open Space: The development order plans must depict a minimum of 4.51 acres of open space for the project.

10. Tree Preservation: To ensure protection of the native trees located on Parcel #1:

- a. Prior to local development order approval for Parcel #1, the landscape plans must depict preservation for the South Florida Slash Pine (*Pinus Elliotti* Var *Densa*). The landscape plans must also include, at a minimum, the following:

Detailed cross section which includes the location of the native trees, and insure that protection of the roots and the trunk of the trees are addressed. Root pruning or root barriers may be necessary to protect the trees from damage.

Depiction that no filling, grading or excavating will occur within the full drip-line of the Slash Pines.

Documentation that if any of the trees are removed, or if any of the trees die, each tree will be replaced at 5:1 credit ratio.

- b. Prior to issuance of a vegetation removal permit, the preserved trees must be staked and field verified for appropriate protection measures (such as root pruning, tree barricades, and root barriers) by a certified arborist.

11. Buffer: Prior to installation of the 30-foot-wide buffer along South Tamiami Trail, the existing building depicted on the MCP as the Fellowship Facility (Building 17) must be removed from the buffer area. This Building (17) qualifies as historic and may be incorporated into the overall project design subsequent to historic designation and an administrative amendment to the MCP depicting its relocation.

12. Stormwater Management System: Prior to local development order approval for the stormwater system, the landscape plan must delineate:

The two northern dry detention areas to be planted with native herbaceous grasses, one gallon container size arranged in clusters, planted 3-foot on center.

A minimum of 3,000 square feet, divided equally between the inlet and outfall of the southern dry detention area, to be planted with herbaceous grasses, one gallon container size arranged in clusters planted 3-foot on center.

The southern dry detention areas to be planted along the southern perimeter berm with scattered Live Oak (*Quercus Virginiana*), Dahoon Holly (*Llex Cassine*), South Florida Slash Pine (*Pinus Elliotti* Var *Densa*) and/or Black Olive (*Bucida Bucera*), planted 30-feet on center, at 10 feet in height, 2-inch caliper dbh.

General tree credits can be applied, as per LDC §10-418(4), for herbaceous vegetation, and a general tree credit on a ratio of one-to-one (1:1) for the planting of trees along the dry detention areas.

The required plantings must be designed to not adversely affect the functions and future maintenance of the water management facilities.

13. Vehicular/Pedestrian Impacts: Approval of this zoning request does not address mitigation of the project's vehicular or pedestrian traffic impacts. Additional conditions consistent with the Lee County LDC may be required to obtain a local development order.
14. Lee Plan Consistency: Approval of this zoning request does not guarantee local development order approval. Future development order approvals must satisfy the requirements of the Lee Plan Planning Communities Map and Acreage Allocation Table, Map 16 and Table 1 (b), be reviewed for, and found consistent with the retail commercial standards for site area, including range of gross floor area, location, tenant mix and general function, as well as all other Lee Plan provisions.
15. Concurrency: Approval of this rezoning does not constitute a finding that the proposed project meets the concurrency requirements set forth in LDC Chapter 2 and the Lee Plan. The developer is required to demonstrate compliance with all concurrency requirements prior to issuance of a local development order.
16. Solid Waste Management: As part of any local development order approval for vertical development, the development order plans must include facilities in compliance with LDC §10-261 and Solid Waste Ordinance #08-10 for the pick-up/disposal of solid waste and recyclables. The minimum area required for, and specific locations of, these facilities will be reviewed at the time of local development order application.
17. Property Ownership: The subject property is approved as a single development site. The property must be developed as one parcel in accordance with the MCP. If the property is no longer under unified control and ownership, the subdivision of parcels will require consideration through the public hearing process to amend the planned development and to address property development regulations including, but not limited to, access, setbacks, open space, parking, infrastructure, and landscaping.

SECTION C. DEVIATIONS:

1. Deviation (1) seeks relief from the LDC §33-111(d) requirement to provide all dry detention basins be planted with wetland type plant species (such as *Spartina*) in minimum one-gallon containers not more than 36 inches on center throughout the extent of the basin, to allow the southernmost dry detention area (adjacent to the south property line) to be left unplanted, except at inlet and outlet locations. This deviation is APPROVED SUBJECT TO conditions 6 and 12.
2. Deviation (2) seeks relief from the LDC §§ 33-351 and 34-2192(a) requirement to provide a minimum 20-foot-wide Type "D" buffer and minimum 25-foot street setback, to allow the existing Youth House (Building #12) to have a minimum 14± foot street setback from Highlands Avenue and to encroach 0.8 feet into the required buffer width, and to allow a 80-square-foot concrete pad and a 4-foot-wide sidewalk that extends from the Youth House to Highlands Avenue to encroach into the required buffer width. This deviation is APPROVED limited to the existing encroachment of the Youth House and the concrete pad and walkway into the street setback and required buffer width, provided that all

required plantings will be installed – enhancing the overall development and meeting the intent of the required landscaping buffer width.

3. Deviation (3) seeks relief from the LDC §10-285 requirement to provide a 125-foot separation distance between road and non-residential driveway intersections, to allow a 116-foot separation distance (measured edge to edge) from Mockingbird Lane to the existing northernmost driveway on Highland Avenue. This deviation is APPROVED.
4. Deviation (4) seeks relief from the LDC §33-351 requirement to provide a minimum 20-foot-wide Type "D" buffer along Lords Way, to allow a 15-foot-wide Type "D" buffer adjacent to both sides of Lords Way. This deviation is APPROVED SUBJECT TO the condition that all required plantings will be installed.

SECTION D. EXHIBITS AND STRAP NUMBER:

The following exhibits are attached to this resolution and incorporated by reference:

- Exhibit A: Legal description of the property
- Exhibit B: Zoning Map (with the subject parcel indicated)
- Exhibit C: The Master Concept Plan

SECTION E. FINDINGS AND CONCLUSIONS:

1. The applicant has proven entitlement to the rezoning by demonstrating compliance with the Lee Plan, the LDC, and any other applicable code or regulation.
2. The rezoning, as approved:
 - a. meets or exceeds all performance and locational standards set forth for the potential uses allowed by the request;
 - b. is consistent with the densities, intensities and general uses set forth in the Lee Plan;
 - c. is compatible with existing or planned uses in the surrounding area;
 - d. will not place an undue burden upon existing transportation or planned infrastructure facilities and will be served by streets with the capacity to carry traffic generated by the development; and
 - e. will not adversely affect environmentally critical areas or natural resources.
3. The rezoning satisfies the following criteria:
 - a. the proposed use or mix of uses is appropriate at the subject location;
 - b. the recommended conditions to the concept plan and other applicable regulations provide sufficient safeguard to the public interest; and

- c. the recommended conditions are reasonably related to the impacts on the public interest created by or expected from the proposed development.
- 4. Urban services, as defined in the Lee Plan, are, or will be, available and adequate to serve the proposed land use.
- 5. The approved deviations, as conditioned, enhance achievement of the planned development objectives, and preserve and promote the general intent of LDC Chapter 34, to protect the public health, safety and welfare.

Commissioner Hall made a motion to adopt the foregoing resolution, seconded by Commissioner Judah. The vote was as follows:

John Manning	Aye
Brian Bigelow	Absent
Ray Judah	Aye
Tammara Hall	Aye
Frank Mann	Absent

DULY PASSED AND ADOPTED this 20th day of August 2012.

ATTEST:
CHARLIE GREEN, CLERK

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: *Joey Townsend*
Deputy Clerk

BY: *[Signature]*
For John Manning, Chair

Approved as to form by:

[Signature]
Michael D. Jacob
Assistant County Attorney
County Attorney's Office



RECEIVED
MINUTES OFFICE
JA
2012 AUG 24 PM 2:16

PROPERTY DESCRIPTION:

THAT PORTION OF THE NORTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 28, TOWNSHIP 46 SOUTH, RANGE 25 EAST AND THAT PORTION OF OAK RIDGE SUBDIVISION PER THE PLAT THEREOF RECORDED IN PLAT BOOK 8, PAGE 37, PUBLIC RECORDS OF LEE COUNTY, FLORIDA.

BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

PARCEL #1

BEGINNING AT THE NORTHEAST CORNER OF BLOCK A, OAK RIDGE SUBDIVISION AS RECORDED IN PLAT BOOK 8, PAGE 37; THENCE RUN S.00°27'45"E. ALONG THE EASTERLY LINE OF SAID OAK RIDGE SUBDIVISION, A DISTANCE OF 220.00 FEET TO THE SOUTHEAST CORNER OF LOT 37, BLOCK "A" AND A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF LORDS WAY(60 FOOT RIGHT-OF-WAY); THENCE RUN S.89°43'33"W. ALONG SAID NORTHERLY RIGHT-OF-WAY LINE AND THE SOUTH LINE OF SAID BLOCK "A", A DISTANCE OF 413.68 FEET TO THE SOUTHWEST CORNER OF LOT 28, BLOCK "A" OF SAID OAK RIDGE SUBDIVISION; THENCE RUN N.00°34'32"W. ALONG THE WESTERLY LINE OF SAID LOT 28, BLOCK "A", A DISTANCE OF 110.00 FEET TO THE CENTERLINE OF A 20 FOOT ALLEY; THENCE RUN S.89°43'33"W. ALONG SAID CENTERLINE, A DISTANCE OF 80.98 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF STATE ROAD 45(WIDTH VARIES) AND A POINT OF A NON-TANGENTIAL CIRCULAR CURVE CONCAVE WESTERLY; THENCE RUN NORTHWESTERLY ALONG THE ARC OF SAID CURVE TO THE LEFT, HAVING A RADIUS OF 1789.02 FEET, THROUGH A CENTRAL ANGLE OF 03°35'10", SUBTENDED BY A CHORD OF 110.70 FEET AT A BEARING OF N.06°44'09"W. FOR A DISTANCE OF 110.72 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF BROADWAY AVENUE(70 FOOT RIGHT-OF-WAY) AS OCCUPIED AND THE NORTHERLY LINE OF SAID OAK RIDGE SUBDIVISION; THENCE RUN N.89°43'33"E ALONG SAID SOUTHERLY RIGHT-OF-WAY AND NORTHERLY LINE OF SAID OAK RIDGE SUBDIVISION, A DISTANCE OF 506.92 FEET TO THE POINT OF BEGINNING.

KAS

OCI 2011-00010

KRIS A. SLOSSER, STATE OF FLORIDA, (P.S.M. #5560)
SEE ATTACHED SKETCH

APPROVED
LEGAL

Strat

SCALE
DRAWING: LEGAL 3/11/11
DATE: 3/11/11
BY: KAS

LEGAL DESCRIPTION

A PORTION OF LAND LOCATED IN SECTION 28, TOWNSHIP 46 SOUTH, RANGE 25 EAST LEE COUNTY, FLORIDA

KRIS A SLOSSER P.S.M.
4650 VILLA CAPRI LN. BONITA SPRINGS
FLORIDA 34134 (941) 947-0284

PROPERTY DESCRIPTION:

THAT PORTION OF THE NORTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 28, TOWNSHIP 46 SOUTH, RANGE 25 EAST AND THAT PORTION OF OAK RIDGE SUBDIVISION PER THE PLAT THEREOF RECORDED IN PLAT BOOK 8, PAGE 37, PUBLIC RECORDS OF LEE COUNTY, FLORIDA.

COMMENCING AT THE NORTHEAST CORNER OF BLOCK A, OAK RIDGE SUBDIVISION AS RECORDED IN PLAT BOOK 8, PAGE 37; THENCE RUN 5.00°27'45"E. ALONG THE EASTERLY LINE OF SAID OAK RIDGE SUBDIVISION, A DISTANCE OF 280.00 FEET TO THE NORTHEAST CORNER OF BLOCK "B" OF SAID OAK RIDGE SUBDIVISION AND THE POINT OF BEGINNING; THENCE CONTINUE 5.00°27'45"E. ALONG SAID EASTERLY LINE, A DISTANCE OF 853.94 FEET TO A POINT ON THE NORTHERLY LINE OF MARSHALL'S ESTERO RIVER GROVES UNIT 1, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 12, PAGE 131 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE RUN S.87°55'29"W. ALONG SAID NORTHERLY LINE, A DISTANCE OF 528.42 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF STATE ROAD 45(WIDTH VARIES) PARCEL 108 AS DESCRIBED IN INSTRUMENT #2006000221391 OF THE PUBLIC RECORDS OF LEE COUNTY FLORIDA; THENCE RUN N.01°02'28"W. ALONG SAID EASTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 143.14 FEET; THENCE RUN N.02°17'19"W. ALONG SAID EASTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 447.70 FEET TO A POINT ON THE NORTHERLY LINE OF THE UNDIVIDED TRACT AS SHOWN ON THE PLAT OF SAID OAK RIDGE SUBDIVISION; THENCE RUN S.89°43'33"W. ALONG SAID NORTHERLY LINE AND SAID RIGHT-OF-WAY LINE AS DESCRIBED IN INSTRUMENT #2006000221391, A DISTANCE OF 0.25 FEET; THENCE RUN N.01°02'28"W. ALONG THE EASTERLY RIGHT-OF-WAY LINE OF SAID STATE ROAD 45(WIDTH VARIES) A DISTANCE OF 280.03 FEET TO A POINT ON THE NORTHERLY LINE OF SAID BLOCK "B" AND A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF LORDS WAY(60 FOOT RIGHT-OF-WAY); THENCE RUN N.89°43'33"E. ALONG SAID NORTHERLY LINE OF SAID BLOCK "B" AND SAID SOUTHERLY RIGHT-OF-WAY LINE, A DISTANCE OF 547.01 FEET TO THE POINT OF BEGINNING.

PARCEL CONTAINS 10.66 ACRES +/-

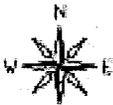
DCI 2011-00010

APPROVED BY
LEGAL
5/26/11

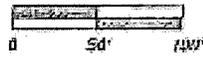
KAS 3/3/11

KRIS A. SLOSSER, STATE OF FLORIDA, (P.S.M. #5560)
SEE ATTACHED SKETCH

DRAWING: LEGAL/DIG SCALE:	JOB# NA DRAWN BY: KAS	LEGAL DESCRIPTION A PORTION OF LAND LOCATED IN SECTION 28, TOWNSHIP 46 SOUTH, RANGE 25 EAST LEE COUNTY, FLORIDA	KRIS A SLOSSER P.S.M. 4660 VILLA CAPRI LN. BONITA SPRINGS FLORIDA 34134 (941) 947-0284
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SCALE 1" = 150'



CURVE TABLE

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
CI	1769.62	110.72	110.70	N 85°44'03" W	01°35'19"

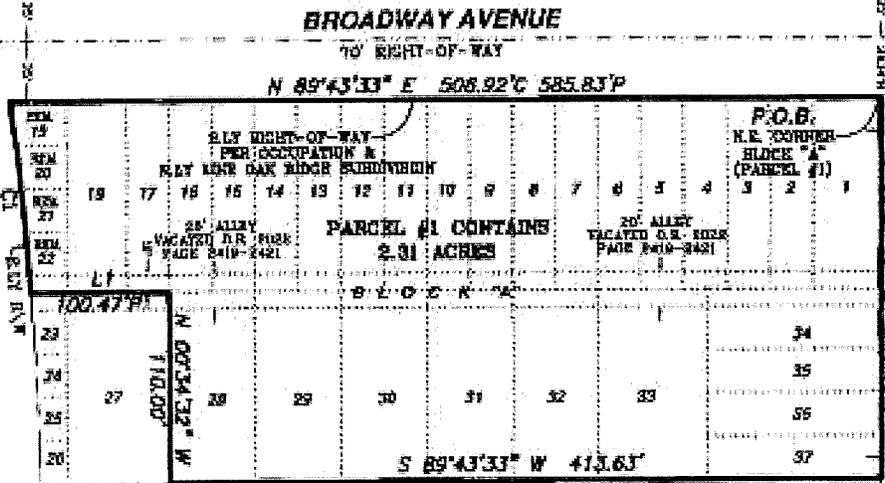
LINE TABLE

LINE	BEARING	DISTANCE
L1	S 89°43'33" W	80.98'

LEGEND

- P.O.C. POINT OF COMMENCEMENT
- P.O.B. POINT OF BEGINNING
- (M) MEASURED
- (P) LEGAL
- P.S.M. PROFESSIONAL SURVEYOR & MAPPER
- (C) CALCULATED

TAMAMI TRAIL
 STATE ROAD 45
 (WIDTH VARIES)



N.E. CORNER
 N.W. 1/4, S.E. 1/4
 SECTION 28

BROADWAY AVENUE

70' RIGHT-OF-WAY

N 89°43'33" E 508.92' @ 585.83' P

P.O.B.
 N.E. CORNER
 BLOCK 1
 (PARCEL #1)

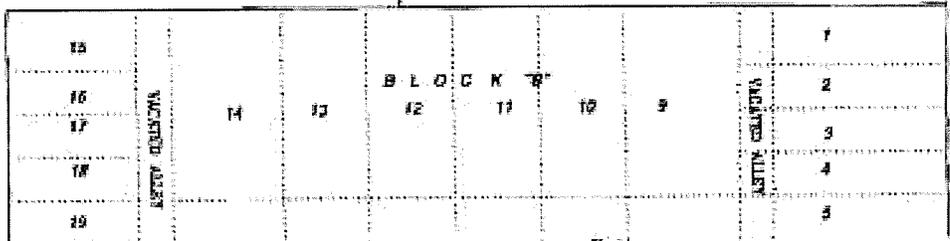
ELY RIGHT-OF-WAY
 PER OCCUPATION &
 ELY LANE OAK RIDGE SUBDIVISION

PARCEL #1 CONTAINS
 2.31 ACRES

20' ALLEY
 VACATED D.R. AREA
 PAGE 2419-2421

E. LANE OAK RIDGE
 PLATBOOK B PAGE 27
 E. ELY RIGHT-OF-WAY
 PER OCCUPATION

ELY R/W/
 ALVITO STREET(P) LORDS WAY(F)
 65' RIGHT-OF-WAY



NOTES:

APPROVED LEGAL SKETCH OCT 2011-00010
 5/26/11

- 1.) BEARINGS SHOWN HEREON REFER A ASSUMED BEARING OF S 00°27'45" E ALONG THE WESTERLY RIGHT-OF-WAY LINE OF HIGHLANDS AVE
- 2.) THIS PROPERTY IS SUBJECT TO EASEMENTS, RESERVATIONS OR RESTRICTIONS OF RECORD.
- 3.) DIMENSIONS SHOWN HEREON ARE IN FEET AND DECIMALS THEREOF.

DATE: 11/15/11
 DRAWN BY: J. B. BROWN
 CHECKED BY: J. B. BROWN
 SCALE: 1" = 150'

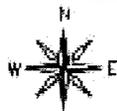
**SKETCH TO ACCOMPANY
 LEGAL DESCRIPTION**

A PORTION OF LAND LOCATED
 SECTION 28, TOWNSHIP 45 SOUTH, RANGE 25 EAST
 LEE COUNTY, FLORIDA

KRIS A SLOSSER P.S.M.

4642 VILLA CAPRI LN. BONITA SPRINGS

FLORIDA 34134 (239) 847-1915



SCALE: 1" = 150'



NOTES:

- 1) BEARINGS SHOWN HEREON REFER A ASSUMED BEARING OF N 01°02'28" W ALONG THE EASTERLY RIGHT-OF-WAY LINE OF TAMPAKI TRAIL (STATE ROAD 45).
- 2) THIS PROPERTY IS SUBJECT TO EASEMENTS, RESERVATIONS OR RESTRICTIONS OF RECORD.
- 3) DIMENSIONS SHOWN HEREON ARE IN FEET AND DECIMALS THEREOF.

P.O.C.
N.E. CORNER
BLOCK "A"

E. LINE OAK RIDGE
PLATBOOK 8 PAGE 37
& RLY RIGHT-OF-WAY
HIGHLANDS AVENUE
PER OCCUPATION

E.LY RIGHT-OF-WAY
HIGHLANDS AVENUE
PER PLATBOOK 12 PAGE 13
MARSHALL'S ESTERO

80' RIGHT-OF-WAY
ALVITO STREET (P)
LORDS WAY (P)

N 89°43'33" E 547.01' C 572.68' P

P.O.B.
N.E. CORNER
BLOCK "B"

LEGEND

- P.O.C. POINT OF COMMENCEMENT
- P.O.B. POINT OF BEGINNING
- (M) MEASURED
- (P) LEGAL
- P.S.M. PROFESSIONAL SURVEYOR & MAPPER
- (C) CALCULATED
- F.A.C. FLORIDA ADMINISTRATIVE CODE
- F AS SHOWN IN FIELD

LINE TABLE

LINE	BEARING	DISTANCE
L1	S 89°43'44" W	0.25' (DOT)
L1	S 89°43'33" W	0.25' C
L2	S 00°27'45" E	280.00'
L3	N 01°02'28" W	143.14'

PARCEL CONTAINS
10.66 ACRES+/-

**UNDIVIDED TRACT
OAK RIDGE SUBDIVISION**

PLATBOOK 8 PAGE 37
(LESS ROAD RIGHT-OF-WAY)

TAMPAKI TRAIL
(FROM INSET)
STATE ROAD 45

HIGHLANDS AVENUE
S 00°27'45" E 833.94'

N. LINE MARSHALL'S
ESTERO RIVER GROVES UNIT 1
PLATBOOK 12 PAGE 131
(UNPLATTED)

S. LINE OAK RIDGE
PLATBOOK 8 PAGE 37
(UNPLATTED)

S 87°55'28" W 528.42' C

N.W. CORNER
MARSHALL'S ESTERO
RIVER GROVES
UNIT 1

N.E. CORNER
MARSHALL'S ESTERO
RIVER GROVES
UNIT 1

LOT 6
FILE
7/0/E

LOT 7

LOT 10

MARSHALL'S
ESTERO RIVER GROVES UNIT 1
PLATBOOK 12 PAGE 131

APPROVED
LEGAL

C.S.
5/26/11

DCI 2011-00010

**SKETCH TO ACCOMPANY
LEGAL DESCRIPTION**

A PORTION OF LAND LOCATED
SECTION 28, TOWNSHIP 46 SOUTH, RANGE 25 EAST
LEE COUNTY, FLORIDA

KRIS A SLOSSER P.S.M.

4642 VILLA CAPRI LN. BONITA SPRINGS
FLORIDA 34134 (239) 947-1915

DATE: NA
DRAWN BY: KAS
DRAWING SETTING:
SCALE: 1" = 150'

Zoning Map

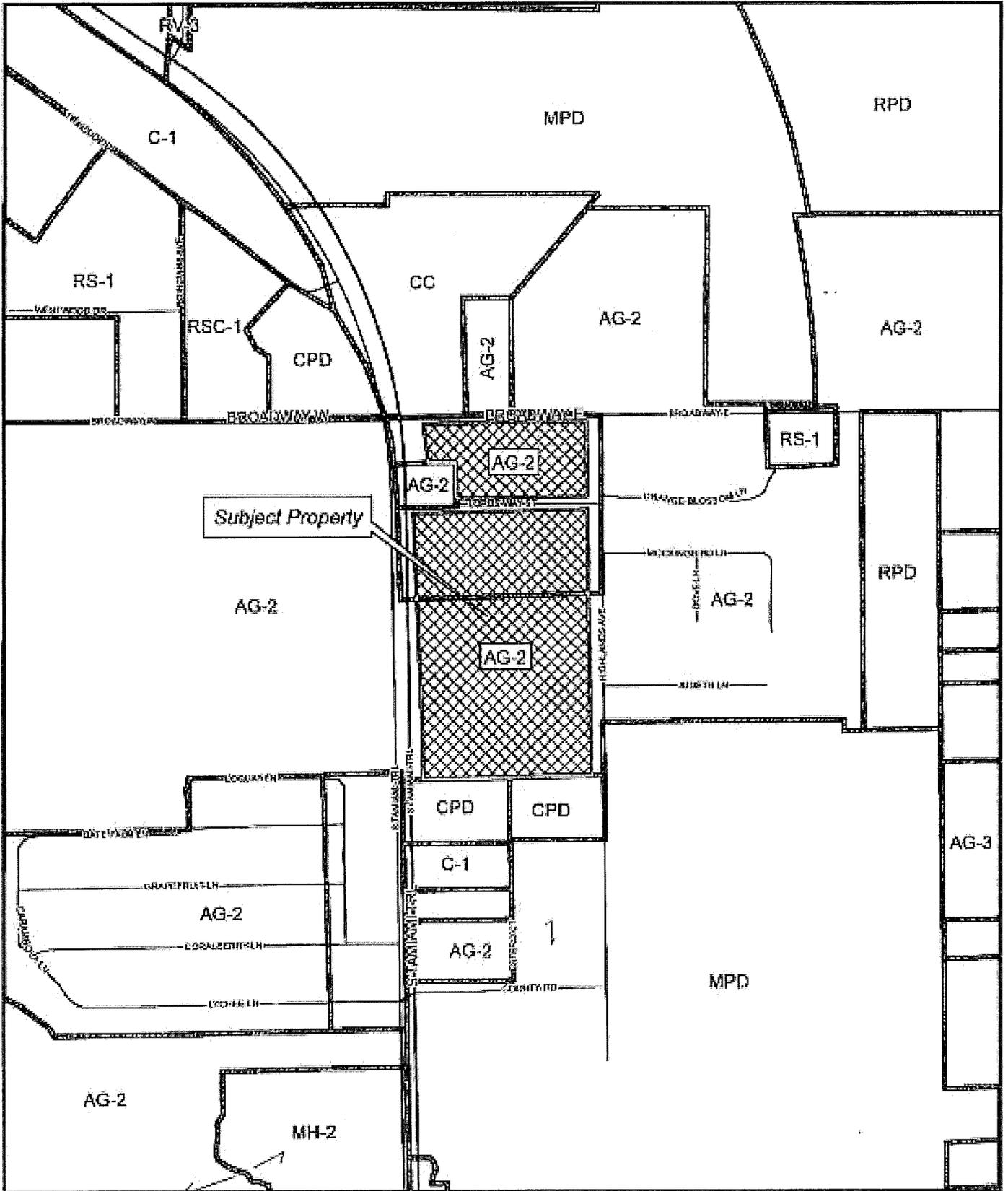


Exhibit B

