



VILLAGE OF ESTERO ZONING STAFF REPORT

PROJECT NAME: SHOPPES OF COCONUT TRACE
CASE TYPE: AMENDMENT TO COMMERCIAL PLANNED DEVELOPMENT
CASE NUMBER: DCI 2015-00021
PLANNING & ZONING BOARD DATE: September 20, 2016

COUNCIL FIRST READING: November 2, 2016

REQUEST

This is a request to add commercial uses to Tract B (Building #2), a 1.9 acre lot in an approved and partially built commercial development on US 41 and Lyden Drive. In addition, the Applicant has requested a deviation for a parking space reduction and a monument sign setback reduction.

APPLICATION SUMMARY

Applicant: CFT NV Developments, LLC in reference to Shoppes of Coconut Trace

Request: The Applicant has requested to amend the schedule of uses which was previously approved through zoning resolution Z-03-011 for the Commercial Planned Development (CPD). The proposed new uses would include; Clothing Stores, Gift & Souvenir Shop, Hobby, Toy & Game Shops, Household and Office Furnishings (Groups I and II), Personal Services (Groups I, II, III and IV), Pet Services, Pet Shop, Restaurants (Groups I, II, III only) and Specialty Retail Shops.

In addition to the amendment to the schedule of uses, there are 2 deviations. One is a reduced setback for a monument sign and one is for a parking reduction.

Location: The property is located at 22941 Lyden Drive. The applicant indicates the STRAP number is 09-47-25-E2-3500B.00B0.

PUBLIC INFORMATION MEETING

A Public information meeting was held at the Planning and Zoning Board on September 22, 2015. A Public Information Meeting was held at the Design Review Board on September 23, 2015. The Design Review Board approved the site plan at its October 28, 2015 public hearing.

PROJECT HISTORY

Zoning

Tract B is a portion of the larger planned development named Estero Point CPD which was approved by the County with the adoption of Resolution Number Z-03-011 (Attachment B). The planned development is located on the west side of US 41 between Vandenberg Way and Cerise Drive (an existing road not yet connected to US 41, south of Vandenberg Way).

Resolution Number Z-03-011 approved a commercial development with a maximum of 95,000 square feet of floor area. Of the 95,000 square feet, only 60,000 square feet could be developed with uses that had to meet the Commercial Site Locational Standards of the Comprehensive Plan found in Policy 6.1.2. The adopted Master Concept Plan included the requirements of this Policy showing a 330 foot distance from the intersections of roads planned along the north and south boundaries of the planned development (now Vandenberg Way and Cerise Drive). Uses limited by Policy 6.1.2 can only be developed within this 330 foot distance.

Administrative amendment (ADD2005-00034) amended the zoning to reconfigure the parcels and the internal road, and the development intensity table in Condition 1. Policy 6.1.2., along with limitations on the location and intensity of use.

Development Approval

A local development order was issued for Tract B (DOS2015-00056). Approval was only for Phase I (2 restaurants) which included the northernmost building. The second building will have to be approved in the future as part of a separate development order.

STAFF ANALYSIS

The applicant proposes an amendment to the Schedule of Uses for Tract B (Building #2) Phase II) to allow additional commercial/retail uses on the 1.9 acre site. The additional uses will apply to the second building only. The first building for two restaurants is currently under construction. The proposed commercial/retail uses do not comply with the Comprehensive Plan locational criteria for minor commercial uses. A Special Case Finding by Council would be required to allow these commercial/retail uses which were requested. In addition, the Applicant has also requested two deviations:

1. Reduction of the monument sign setback located on the southbound and westerly side of US 41.
2. Reduction of the parking requirement by 5% for Tract B.

Amendment to Schedule of Uses

The schedule of uses for tracts A through D was set out in Resolution Z-03-11. Several commercial/retail uses were included in the prior approval. The Applicant has requested the following new uses for Tract B (Building #2):

- Clothing Stores
- Gift and Souvenir Shop
- Hobby, Toy and Game Shops
- Household and Office Furnishings (Groups I and II)
- Personal Services (Groups I, II, III and IV)
- Pet Services
- Pet Shop
- Restaurants (Groups I, II, III only)
- Specialty Retail Shops

The applicant's proposed schedule of uses for Tract B (Building #2) is not in compliance with the Comprehensive Plan locational criteria for Policy 6.1.2.1 - minor commercial uses. The project is located at the intersection of US 41 (arterial road) and Vandenberg Way (local road). This scenario limits development to 30,000 square feet for each intersection and requires the uses to be located within 330 feet of the adjoining rights-of-way of intersecting roads. Tract B is located beyond the

required 330 feet. While the requested new uses are limited, and exclude fast-food restaurants, Staff does not recommend the proposed schedule of uses for Tract B for the reasons explained below.

The purpose of Site location standards in the Comprehensive Plan is twofold.

1. Locate higher intensity uses at intersections to provide for efficient traffic dispersal.
2. Prohibit and prevent "strip" commercial development along the roadway.

The proposed amendment to add additional commercial uses to the approved Schedule of Uses does not meet the additional site location criteria of the Comprehensive Plan. There are other tracts in the larger development that have been approved for 60,000 square feet of these type of uses. Approval of this request could create a precedent for other similar requests in the future.

Special Case Finding

The Applicant has requested a Special Case finding. The Comprehensive Plan explains this in Policy 6.1.2, which provides locational criteria for commercial development. Depending on the location of the property, commercial development intensity is limited based on the classification of the adjoining and nearby roadways. The Applicant's project is located at the intersection of an arterial road (US 41) and local roads (Vandenberg Way and the future connection of Cerise Drive). Commercial development is limited to less than 30,000 square feet for each intersection, with the uses further limited to being required to be within 330 feet of the adjoining rights-of-way (See Attachment C - Master Concept Plan). The location standards apply to shopping centers, free standing retail or service establishments, restaurants, convenience food stores, automobile dealerships, gas stations, car washes and other commercial development which generate larger volumes of traffic.

The southern two-thirds of the subject property, Tract B (Building #2), is located outside of the 330 feet of the adjoining rights-of-way of the intersection roads and therefore the proposed uses cannot be located on this portion of the site. The Applicant has submitted a narrative supporting a Special Case Finding for the commercial uses (see attachment).

Staff does not believe the Applicant's request meets the criteria for a Special Case Finding. There is nothing unique to this property which prevents development of the site. A special case finding is for unique circumstances where there is no pattern of intersecting roadways, for example on Pine Island. There are several intersecting roadways along US 41 which can accommodate commercial development. There is insufficient justification for a Special Case Finding for the proposed project.

Deviations

Monument Sign Setback Request –

The applicant is requesting a deviation from LDC Section 33-385 (a) (3) to allow a 10 foot setback. The applicant believes that a reduction would enhance visibility of the sign from US 41.

Staff believes a reduced setback, rather than 15 feet required by the LDC, could be justified. There are a few nearby signs along the US 41 corridor which are set back less than 15 feet. The Applicant had indicated the footing for the adjacent building conflicts with the proposed sign footing location and that an additional 3 feet would create an acceptable separation between the two structures. At the Planning and Zoning Board meeting, the applicant indicated that the sign had already been constructed too close to the right-of-way. The sign permit submitted to the

Village showed a 15 foot setback meeting the Code and was approved in June. Subsequent to the Planning and Zoning Board meeting, the applicant measured the setback which is 13.9 feet. A small deviation would be needed to retain the sign at its current location. The monument sign design was approved by the Design Review Board. Staff does not object to the deviation for a reduction to 13 feet.

Parking Reduction –

LDC Section 34-2020 allows a maximum reduction of 10% for parking spaces, when an applicant complies with one or more of the conditions listed in LDC Section 34-2020 (c) (1 through 7). The Applicant has provided a transit stop and a bicycle rack in close proximity of Tract B and complies with this section of the code. A parking reduction of 5% for off-street parking for Phase II of the proposed project was requested by the Applicant. Phase I (Restaurants) is currently under construction.

Phase I of the development is approved for one building with two restaurants. The restaurants are planned to have a total of 5,700 square feet of floor area and 600 square feet of patio area. The approved Site Layout Plan indicates the development has 100 parking spaces, 5 ADA spaces, and a total provided parking of 115 spaces. This meets the required parking to support the two restaurants (when calculated at 12.5 spaces per 1,000 square feet of total floor area)

Phase II could consist of a number of different uses when it is developed in the future. Off-street parking could vary widely, depending on the uses. More information regarding the specific type of use will be required. Staff does not believe a deviation is justified at this time.

PLANNING AND ZONING BOARD RECOMMENDATION

At the Planning and Zoning Board meeting on July 19th, this case was discussed in detail. To summarize, the applicant believes they comply with site location standards because there is a reverse frontage road extending southward to Coconut Road. However, staff noted that this road has not been completed or accepted, and should not be open to traffic. The Applicant also asserted that retail uses were the only reasonable uses of this property in order to qualify for a “special case” finding by the Council.

After discussion, the Planning and Zoning Board voted as follows:

1. Approve the additional uses requested, as meeting site location standards, subject to the reverse frontage road southern section being certified and approved for public use and open to the public.
2. Approval of the deviation for the sign setback to 10 feet from the right-of-way.
3. The parking deviation was not approved.

The motion was made by Ned Dewhirst, and seconded by Marlene Naratil. The vote was 4 to 3.

RECOMMENDATION

The request for additional retail uses does not meet the locational requirement for Policy 6.1.2 of the Comprehensive Plan in staff's opinion. However, if Council wishes to approve the request, staff recommends the conditions in the Draft Ordinance. In addition, staff recommends approval of the monument sign setback reduction to 13 feet and denial of the parking reduction for Phase II (Building #2).

ATTACHMENTS

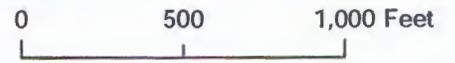
- A. Maps
- B. Resolution Z-03-11
- C. Site Plan
- D. Master Concept Plan
- E. Applicant's Information and Justification (Delisi Memo)
- F. ADD 2005-00034

ATTACHMENT A

Maps

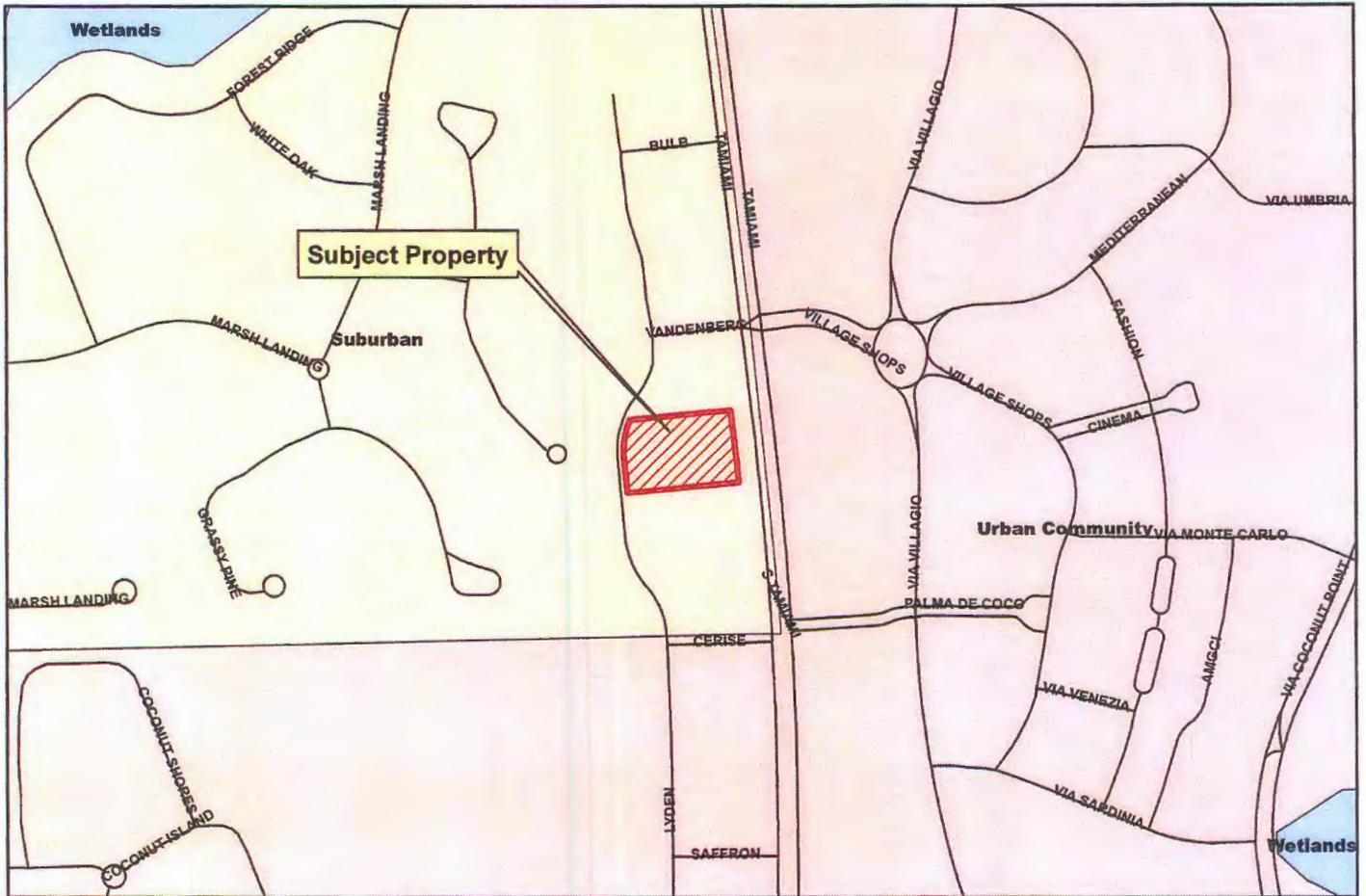
DCI2015-00021

2016 AERIAL



DCI2015-00021

Future Land Use



0 500 1,000 Feet

ATTACHMENT B

Resolution Z-03-11

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

WHEREAS, Greg Stuart and Tom Daugherty filed an application on behalf of Mike Shrigley, Applicant, and G & M Estates USA Inc., owner, to rezone a 11.3 acre parcel from Agricultural District (AG-2) to Commercial Planned Development (CPD) in reference to Estero Pointe CPD; and,

WHEREAS, a public hearing was advertised and held on March 5, 2003, before the Lee County Zoning Hearing Examiner, who gave full consideration to the evidence in the record for Case #DCI2002-00039; and

WHEREAS, a second public hearing was advertised and held on June 2, 2003, before the Lee County Board of Commissioners, who 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 11.3-acre parcel from AG-2 to CPD, to permit development of mixed use commercial project {including Consumption on Premises for Tract B, C, & D} consisting of 95,000 square feet of gross floor area. The property is located in the Suburban 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. The development of this project must be consistent with the one-page Master Concept Plan entitled "Estero Pointe CPD," stamped "Received JUN 13 2003 COMMUNITY DEVELOPMENT" except as modified by the conditions below. This development must comply with all requirements of the Lee County 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 Master Concept Plan are subsequently pursued, appropriate approvals will be necessary.

The project is limited to a maximum permitted gross floor area of 95,000 square feet. Of this total no more than 60,000 square feet may be used for uses which have to meet the Commercial Site Locational Standards of Lee Plan Policy 6.1.2.1.

Development of this site must be consistent with the landscaping/buffering commitments on the aerial submitted on February 11, 2003 and with the design standards shown on the

document entitled "Estero Pointe CPD Design Standards," stamped received January 7, 2003 and attached as Exhibit D.

Tract sizes shown on the Master Concept Plan ("MCP") may vary in accordance with the table below so long as the maximum amount of square footage for each individual tract, and for the project as a whole is not exceeded:

TRACT	SIZE	MAXIMUM INTENSITY
A	2 to 3.5 acres	30,000 sf. (One principal use only)
B	1.5 to 2.5 acres	50,000 sf.
C	4 to 5.5 acres	25,000 sf.
D	1.5 to 3.5 acres	35,000 sf.

Final building placement and footprints will be determined at the Development Order phase.

The MCP depicts the project's general configuration. Final building placement and footprints will be determined at the Development Order phase. The final site area, internal row, parking and circulation areas, building footprints, surface water management system and other functional elements will be substantially consistent with the approved M.P.

2. The following limits apply to the project and uses (the following Schedule of Uses replaces that provided on the approved M.P.):

a. Schedule of Uses (uses preceded with * are only permitted on Tracts in compliance within the locational criteria of Lee Plan Policy 6.1.2.1 - minor commercial uses)

- ACCESSORY USES AND STRUCTURES (LDC Sections 34-1171 *et seq.*, 34-2441 *et seq.*, 34-1863, 34-2141 *et seq.*, and 34-3106)
- ADMINISTRATIVE OFFICES (SUBJECT TO Note (1) of LDC Section 34-934)
- *AUTO PARTS STORE - without installation facilities
- AUTOMOBILE SERVICE STATION (limited to Tract A only)
- BANKS AND FINANCIAL ESTABLISHMENTS (LDC Section 34-622(c)(3)): Groups I and II (without Drive-thru facilities) (If Drive-Thru facilities are provided the use must be located per Policy 6.1.2.1.)
- BROADCAST STUDIO, COMMERCIAL RADIO AND TELEVISION (LDC Section 34-1441 *et seq.*)
- BUSINESS SERVICES (LDC Section 34-622(c)(5)): Groups I and II
- CAR WASH (limited to an Accessory use to a CONVENIENCE FOOD AND BEVERAGE STORE)
- CLEANING AND MAINTENANCE SERVICES (LDC Section 34-622(c)(7))
- *CLOTHING STORES, general (LDC Section 34-622(c)(8))
- *CONSUMPTION ON PREMISES (LDC Section 34-1261 *et seq.*)
- CONTRACTORS AND BUILDERS (LDC Section 34-622(c)(9)),
Group I only
- CONVENIENCE FOOD AND BEVERAGE STORE (limited to Tract "A")
- DRUGSTORE, PHARMACY
- DRIVE-THRU FACILITY FOR ANY PERMITTED USE (limited to Tracts A and D)
- EMERGENCY MEDICAL SERVICE (ambulance station)

ESSENTIAL SERVICES (LDC Sections 34-1611 *et seq.*, and 34-1741 *et seq.*)
 ESSENTIAL SERVICE FACILITIES (LDC Section 34-622(c)(13)):
 Group I only
 EXCAVATION: Water retention (LDC Section 34-1651)
 FOOD AND BEVERAGE SERVICE, LIMITED
 *FOOD STORES (LDC Section 34-622(c)(16)): Group I only (excluding
 supermarket)
 *GIFT AND SOUVENIR SHOP
 *HARDWARE STORE
 HEALTH CARE FACILITIES (LDC Section 34-622(c)(20)): Group III (only)
 *HOBBY, TOY AND GAME SHOPS (LDC Section 34-622(c)(21))
 *HOUSEHOLD AND OFFICE FURNISHINGS (LDC Section 34-622(c)(22)), Groups
 I and II
 *LAUNDRY OR DRY CLEANING (LDC Section 34-622(c)(24)): Group I only
 MEDICAL OFFICE
 PARKING LOT: Accessory
 *PERSONAL SERVICES (LDC Section 34-622(c)(33)): Groups I, II, III, and IV
 (excluding steam or Turkish baths, escort services, and tattoo parlors)
 *PET SERVICES
 *PET SHOP
 POLICE OR SHERIFF'S STATION
 POST OFFICE
 PRINTING AND PUBLISHING (LDC Section 34-622(c)(36))
 REAL ESTATE SALES OFFICE, (LDC Sections 34-1951 *et seq.*, and 34-3021)
 (strictly limited to the sale of lots/parcels within this planned development
 only. The location of, and approval for, the real estate sales office will be
 valid for a period of time not exceeding five years from the date the certificate
 of occupancy for the sales office is issued).
 RECREATION, COMMERCIAL (LDC Section 34-622(c)(38)): Group I only (limited
 to Tracts B and C only)
 RENTAL OR LEASING ESTABLISHMENT (LDC Section 34-622(c)(39)): Groups I
 and II only
 RESTAURANT, FAST FOOD (limited to Tract A only)
 *RESTAURANTS (LDC Section 34-622(c)(43)): Groups I, II and III only
 SCHOOLS: Commercial (LDC Section 34-622(c)(45)) (LDC Section 34-2381)
 SIGNS in accordance with chapter 30
 *SPECIALTY RETAIL SHOPS (LDC Section 34-622(c)(47)): Groups I, II, and III
 STORAGE: Indoor only, (LDC Section 34-3001 *et seq.*)
 TEMPORARY USES (limited to temporary contractors offices and sheds [incident
 to construction as per LDC Section 34-3044], seasonal promotions, and
 sidewalk or parking lot sales)
 *VARIETY STORE

b. Site Development Regulations

Minimum Lot Area and Dimensions:

Area: 20,000 square feet
 Width: 100 feet
 Depth: 100 feet

Minimum Setbacks:

Street: variable according to the functional classification of the street or road
(Section 34-2191 et seq.)
Side: 10 feet
Rear: 20 feet
Water Body: 25 feet

Accessory Use and Structure setbacks must comply with LDC §§ 34-1171 et seq.
and 34-2194.

Maximum Lot Coverage: 45 percent

Maximum Building Height: 35 feet

3. No excess excavated material may be removed from the site unless the developer can demonstrate to the Director of Community Development that the material to be removed: 1) is unsuitable material that cannot be used onsite and 2) the material must be excavated to meet the minimum requirements to provide a water management system on the site. The purpose of this condition is to prohibit the voluntary creation of excess fill material for use offsite.
4. No blasting activities are permitted as part of this planned development.
5. Uses which must comply with the commercial site location standards in Policy 6.1.2.1, may not be constructed within the northernmost and southernmost 330 feet of the project (respectively), until it is demonstrated that the corresponding intersection required by Policy 6.1.2.1, physically exists and is physically and legally accessible from the project.
6. Prior to local development order approval, a protected species survey must be conducted specifically for gopher tortoises and a gopher tortoise management plan submitted for the Division of Environmental Sciences staff review and approval.
7. Prior to local development order approval, the landscape plan must include a hedge on the residential side of the wall shown along the west property line on the MCP. The single row hedge must be 100 percent native species, planted at a minimum 48-inch height and maintained at a minimum 60-inch height. The landscape plan must also demonstrate that there are a minimum of five Sabal palms per 100 linear feet on the Marsh Landing side of the wall, and a minimum of five native canopy type trees (e.g., live oak; black olive) per 100 linear feet along the east side of the surface water retention areas abutting the project road to meet the 10 trees per 100 linear foot buffer requirement.

This buffer must be installed as part of the first local development order for this project.
8. No outdoor storage or display of commercial products may be permitted as part of this planned development.
9. 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.

10. Approval of this rezoning 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.
11. No agricultural uses are permitted on this site.
12. Tract A is limited to one principal use.

SECTION C. DEVIATIONS:

Deviation 1 seeks relief from LDC §10-418(d)(6) requirement to provide an 8-foot-high solid wall or wall and berm combination to be constructed not less than 25 feet from the abutting property when roads, drives, or parking areas are located within 125 feet from an existing residential subdivision; to allow an enhanced Type F buffer. The Hearing Examiner recommends this deviation be **APPROVED SUBJECT TO Condition 7.**

SECTION D. EXHIBITS AND STRAP NUMBER:

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

- Exhibit A: The legal description of the property
- Exhibit B: Zoning Map (with the subject parcel indicated)
- Exhibit C: The Master Concept Plan
- Exhibit D: Estero Point CPD Design Standards

The applicant has indicated that the STRAP number for the subject property is:

09-47-25-00-00001.005A

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; and,
 - b. is consistent with the densities, intensities and general uses set forth in the Lee Plan; and,
 - c. is compatible with existing or planned uses in the surrounding area; and,

- 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; and
 - 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.

The foregoing resolution was adopted by the Lee County Board of Commissioners upon the motion of Commissioner St. Cerny, seconded by Commissioner Coy and, upon being put to a vote, the result was as follows:

Robert P. Janes	Nay
Douglas R. St. Cerny	Aye
Ray Judah	Absent
Andrew W. Coy	Aye
John E. Albion	Aye

DULY PASSED AND ADOPTED this 2nd day of June, 2003.

ATTEST:
CHARLIE GREEN, CLERK

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA



BY: Ray Judah
Chairman

Approved as to form by:

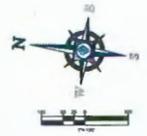
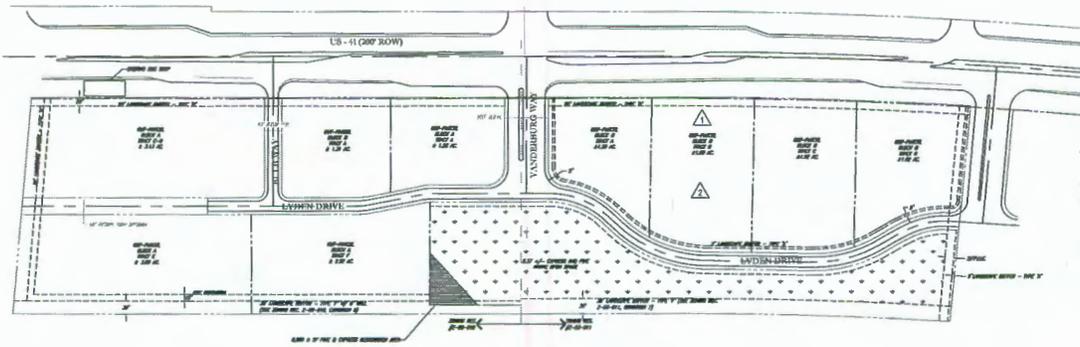
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County Attorney's Office

ATTACHMENT C

Site Plan

ATTACHMENT D

Master Concept Plan



LEGEND:

- WETLAND PRESERVE ZONE
- WETLAND PRESERVE OR RESTORATION AREA

SITE NOTES:

- ENTRANCE LOGSHEET ALONG US 91 APPROVED UNDER ZONING 20-03-01
- PRINCIPAL PERMITTED USES WITHIN THE ZONING DISTRICT ARE: RESIDENTIAL SINGLE-FAMILY, RESIDENTIAL MEDIUM-DENSITY, RESIDENTIAL HIGH-DENSITY, COMMERCIAL, OFFICE, PROFESSIONAL, ACCESSORY USES SUCH AS PARKING, DRIVES, LANDSCAPE, ETC. CAN BE LOCATED OUTSIDE THESE LOTS.
- SEE EXISTING POINT CLOUD DATA AND AERIAL PHOTO FOR FURTHER LANDSCAPE/PLANTING COMMENTS AS PART OF ZONING RESOLUTION REVIEW/CONSTRUCTION.

SCHEDULE OF DEVIATIONS:

- 10' STREET SETBACK FOR NEARBY HOME
- 5% PARKING REDUCTION

GENERAL SITE LAND USE

TOTAL SITE AREA	24.77 AC
CONSERVATION AREA	4.72 AC
SURFACE WATER MANAGEMENT	4.76 AC
WETLAND PRESERVE	11.27 AC
UPLAND PRESERVE DRY DETENTION	4.84 AC
NATURAL PLANTING AREA	4.84 AC
ROW AREAS	4.84 AC

OPEN SPACE CALCULATIONS

REQUIRED	20.9 AC	85.00 AC
PROVIDED		
WETLAND PRESERVE	11.27 AC	
UPLAND PRESERVE DRY DETENTION	4.84 AC	
SURFACING	4.84 AC	
ROW	4.84 AC	
TOTAL	25.79 AC	

NOTE: INDIVIDUAL LOTS TO PROVIDE AVOID OPEN SPACE PER REQ. 20-03-01

DEVELOPMENT REQ. #Z-03-01

TRACTS 1-17

MINIMUM BUILDING AREA	50,000 SF
MINIMUM LOT AREA	
ACRES	20,000 SF
METS	500 FT
ROOFING	100 FT
MINIMUM SETBACKS	
(SEE LDC Sec. 24-2-11)	
FRONT	50 FT
SIDE	50 FT
REAR	50 FT
WATER BODY	25 FT
MINIMUM LOT COVERAGE	4%
MINIMUM BUILDING HEIGHT	20 FT

BOHLER ENGINEERING
 1000 UNIVERSITY BLVD, SUITE 1000
 TAMPA, FL 33606
 PHONE: 813-241-4141
 FAX: 813-241-4142
 WWW.BOHLERENGINEERING.COM

REVISIONS

NO.	DATE	DESCRIPTION	BY

811 KNOW WHAT'S BELOW ALWAYS CALL 811 BEFORE YOU DIG
 www.811fl.com

APPROVED FOR CONSTRUCTION

ESTERO RE-ZONING
 CFT NV DEVELOPMENTS LLC
 LOCATION OF SITE: 22941 LYNN DRIVE, ESTERO, FL 33928, LEE COUNTY

BOHLER ENGINEERING
 1000 UNIVERSITY BLVD, SUITE 1000
 TAMPA, FL 33606
 PHONE: 813-241-4141
 FAX: 813-241-4142
 WWW.BOHLERENGINEERING.COM

MASTER CONCEPT PLAN
 SHEET NUMBER: 1

ATTACHMENT E

**Applicant's Information and
Justification (Delisi Memo)**



SHOPPES OF COCONUT TRACE CPD SITE LOCATION STANDARDS

INTRODUCTION

The proposed application to amend the Shoppes of Coconut Trace CPD seeks to allow the development of retail uses on a 1.14 acre portion of a 1.9 acre parcel in Estero, FL. The subject parcel is one of four parcels that is part of the Shoppe of Coconut Trace CPD. The proposed amendment does not request any increase in development intensity. The list of permitted uses would remain the same. The retail uses requested have already been approved and found to be compatible with adjacent uses.

The existing CPD zoning was originally approved in 2003 as part of the Estero Point CPD, which approved 95,000 square feet of commercial development. The northern most parcel (the corner of Vendenberg and US 41) of the Estero Point CPD developed as a bank. The properties to the south of the bank are still vacant. The original approval limited retail uses to only those areas within the CPD that met the "site location standards" found in Policy 6.1.2 of the Lee County Comprehensive Plan, now the transitional Village plan. The northern 0.7 acres of the subject property, the portion of the parcel that was determined to meet site location standards in 2003, is currently under development for two restaurants.

The area has changed since the original approval, and one of the changes is the addition of new roadway infrastructure. The applicant would submit that based on the changes the entire 1.9 acre parcel meets the language and intent of Policy 6.1.2 (site location standards) which means retail uses are appropriate in this location. The analysis done in 2002/2003, which lead to the condition in the existing zoning is no longer applicable. Policy 6.1.2(5) defines "at the intersection" and includes a frontage road leading to an intersection within the definition, as long as the retail uses do not extend beyond a ½ mile from the intersection. This definition has been interpreted and applied to retail development all along the east side of US 41, including both the North Point and Coconut Point DRIs.

CPD AMENDMENT JUSTIFICATION

The site location standards were put in place for two primary reasons:

1. *Locate the highest trip generating uses at corners where traffic can easily be dispersed, rather than funneled through a single point of access;*

The construction of the reverse frontage road distributes trips both north and south along and parallel to US 41, as well as to Coconut Road. Trips entering and exiting the site have easy and proximate access to several roadways consistent with the intent of Policy 6.1.2(5)

2. *Prevent strip commercial development along road corridors and to reduce the number of access points.*

Development of the subject parcel with retail uses does not promote strip development any more than limiting the property to office uses. Commercial development surrounds the subject property on the north, south and east, and the property is buffered on the west by a preserve. The lot depth and the form of development have already been created in accordance with the comprehensive plan. Providing reasonable use of the property does not create strip development.

As stated in the comprehensive plan, site location standards *“will serve as guidelines during the rezoning process (allowing limited discretion by the Board of County Commissioners in special cases in which retail uses are the only reasonable use of the parcel in light of its size, its proximity to arterials and collectors, and the nature of the existing and projected surrounding uses...)”*

The attached map shows the existing surrounding and planned uses. On the north, south and east side of the subject parcel are commercial uses that have high trip generation and create significant activity. While some of the proximate uses are not uses that are subject to site location standards, most are, and all uses are significant trip generators. While it is possible to attract a use that doesn't require site location standards, given the parcel depths and size, retail uses are the most reasonable use of the properties for the following reasons.

1. Size

The subject property would not be suitable for a stand-alone office building. Small scale office buildings are typically located in areas with very slow traffic movement or with significant setbacks from the adjacent noisy right of way. Stand along offices are most often found in or on the edge of historic neighborhoods of in small downtown areas where street noise and activity is minimal. While retail development benefits from pass by traffic and high volumes of traffic from roads like US 41. High traffic arterial roadways, create a disturbance for small scale office space. The subject property is along US 41, a significant high-speed high volume arterial road.

The majority of office uses along US 41 have significant setbacks and are separated from the activity of the roadway. The property's depth is limited on the west by a preserve area that is part of the Coconut Trace zoning approval. While the preserve creates a nice natural buffer to the residential development on the west, both the preserve and the reverse frontage road (Lyden Drive) limit the depth of the property. The size of the parcel restricts the ability to set an office building back on the property to shield it from the noise of US 41. The County and the Village favored and promoted the construction of the reverse frontage road.

2. Proximity to Arterials and Collectors

The subject property directly fronts US 41 and has excellent access to allow for a distribution of trips in multiple directions. The property has access via a reverse frontage road along US 41, Lyden Drive, and traffic can either travel north to Vendenberg Way where there is a signalized intersection at US 41 (approximately 450 feet to the north) or south to Cerise Drive to get to US 41 (approximately 650 feet). Lyden Drive also extends south to Coconut Road providing access and to the commercial property to the south and Coconut Road, a Lee County arterial. The reverse access road which collects trips from the adjoining development was not in place in 2003.

3. Projected Surrounding Uses

The subject property is an extension of the commercial development along US 41 to the north, south and east, across US 41. To the west is the Coconut Trace preserve area, which acts as a natural buffer to the Marsh Landing residential community on the other side of the preserve. Given the commercial nature of the surrounding uses and the natural buffer that exists between the residential area, retail uses are the most viable users for the subject property. The parcels to the east of US 41 are almost a mirror image of the parcels on the west. The parcels are retail and service uses that are bounded on the rear of the parcel by a reverse frontage road that distributes trips without the need to have direct access to US 41. The uses proposed for the subject property are compatible and consistent with the uses approved on the east side of US 41 on similarly situated properties.

Development of the subject property with retail uses does not produce strip development. The land use form will remain the same regardless of the actual use of the buildings that will be constructed. In fact, the subject property is a commercial in-fill property that implements Policy 6.1.7, which states that the county (Village) should "permit commercial development to infill on small parcels in areas where existing commercial development would make a residential use clearly unreasonable."

The construction of Lyden Drive in 2007 fulfills the requirements of site location standards. According to Policy 6.1.2(5), the Lyden Rd. (a reverse frontage road) can serve to meet the requirements of a connection to the intersection of Coconut Road and US 41. As such, and according the policy, retail uses can extend to within ½ mile of the intersection. The access to meet site location standards has been provided. Therefore, the request to allow for limited retail uses on the subject property is reasonable.



Shoppes of Coconut Trace Surrounding Uses

CFT NV Developments, LLC
1370 Jet Stream Drive, Ste 140,
Henderson, NV 89052

ATTACHMENT F

ADD 2005-00034

ADMINISTRATIVE AMENDMENT (PD) ADD2005-00034

ADMINISTRATIVE AMENDMENT
LEE COUNTY, FLORIDA

WHEREAS, Tulip Associates, L.L.C., filed an application for administrative approval to a Commercial Planned Development on a project known as Estero Point CPD (now known as Coconut Trace CPD) to **permit the reconfiguration of the parcels, alignment of the internal road east of the approved location, and revision of Table in Condition 1 of Resolution Z-03-11** for property located at 23070 South Tamiami Trail, described more particularly as:

LEGAL DESCRIPTION: In Section 09, Township 45 South, Range 25 East, Lee County, Florida:

See Exhibit A attached

WHEREAS, the property was originally rezoned in case number DCI2002-00039 (Resolution Z-03-011); and

WHEREAS, the Land Development Code provides that a master concept plan must obtain a local development order within a specified time frame or the approved Master Concept Plan would be deemed vacated; and

WHEREAS, in accordance with LDC Section 34-381(d) if the master concept plan is vacated, the owner may apply to reinstate the master concept plan through the public hearing process; 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 changes have been presented to the Estero Community Planning Panel during a public informational meeting and these changes were found to be acceptable to the Panel; 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 for an amendment to Commercial Planned Development to **permit the reconfiguration of the parcels, alignment of the internal road east of the approved location, and revision**

of Table in Condition 1 of Resolution Z-03-11 is APPROVED, subject to the following conditions:

1. The only changes approved as part of this administrative amendment are to permit the reconfiguration of the parcels, alignment of the internal road east of the approved location, and revision of Table in Condition 1 of Resolution Z-03-11. No other changes have been authorized as part of this amendment and development must remain in compliance with Resolution Z-03-011.
2. Condition 1 of Resolution Z-03-011 is revised to adopt an amended Master Concept Plan, and development must be in compliance with the amended Master Concept Plan, entitled Coconut Trace, dated 11/11/04, Project No. 2004.56-B, stamped received on FEB 21, 2005, except as conditioned herein. Also included is the Perimeter Berm West Section C-C, stamped received FEB 20, 2005. Master Concept Plan for ADD2005-00034 is hereby APPROVED and adopted. A reduced copy is attached hereto.
3. Condition 1 of Resolution Z-03-011 is hereby amended to adopt the following Table. this Table replaces the existing one in the Condition. No other changes to Condition 1 have been authorized by this action.

<u>TRACT</u>	<u>MAXIMUM INTENSITY</u>
A	30,000 square feet (One (1) principal use only)
B	50,000 square feet
C	25,000 square feet
D	35,000 square feet

Tract sizes shown on the amended Master Concept Plan may vary in accordance with the table above so long as the maximum amount of square footage for each individual tract is not exceeded. The approved density of the overall project has not been amended and development may not exceed the overall approved floor area of 95,000 square feet, of which not more than 60,000 square feet may be used for uses which have to meet the Commercial Locational Standards of Lee Plan Policy 6.1.2, as currently provided for in Condition 1 of Resolution Z-03-011.

4. No changes have been authorized to the Tulip Associates CPD as part of the approval of this request.

DULY SIGNED this 10th day of March, A.D., 2005.

BY: 
Pam Houck, Director
Division of Zoning
Department of Community Development



950 Encore Way • Naples, Florida 34110 • Phone: 239.254.2000 • Fax: 239.254.2099

HM PROJECT # 2004056
2/17/05
REF. DWG. # A-1723
Page 1 of 1

PARCEL F

LEGAL DESCRIPTION

A TRACT OR PARCEL OF LAND LYING IN SECTION 9, TOWNSHIP 47 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF SECTION 4, TOWNSHIP 47 SOUTH, RANGE 25 EAST; THENCE S.88°14'22"W FOR 2266.44 FEET ALONG THE SOUTH LINE OF THE SOUTHEAST ONE QUARTER (SE ¼) OF SAID SECTION 4 TO AN INTERSECTION WITH THE WESTERLY RIGHT OF WAY LINE OF U.S. 41 (S.R. 45, TAMIAMI TRAIL); THENCE S.06°41'21"E. ALONG SAID RIGHT OF WAY FOR 325.85 FEET TO THE POINT OF BEGINNING;

THENCE CONTINUE S.06°41'21"E. FOR 316.84 FEET ALONG SAID WESTERLY RIGHT OF WAY TO THE POINT OF CURVATURE OF A CURVE TO THE RIGHT, RADIUS 11391.16 FEET, CENTRAL ANGLE 03°28'12"; THENCE SOUTHEASTERLY FOR 689.86 FEET ALONG THE ARC OF SAID CURVE; THENCE S.88°21'51"W. (NONRADIALLY) FOR 500.20 FEET ALONG THE SOUTH LINE OF NORTH ONE HALF (N ½) OF THE NORTHEAST ONE QUARTER (NE ¼) SAID SECTION 9 TO A NONRADIAL INTERSECTION WITH A CURVE TO THE LEFT, CONCAVE TO THE WEST, CONCENTRIC TO AND LYING 500.00 FEET WESTERLY OF (AS MEASURED RADIALLY TO) THE AFOREMENTIONED WESTERLY RIGHT OF WAY OF U.S. 41; THENCE NORTHWESTERLY FOR 645.76 FEET ALONG THE ARC OF SAID CURVE (RADIUS 10891.16 FEET, CENTRAL ANGLE 03°23'50", CHORD BEARING N.04°59'26"W., CHORD 645.66 FEET) AND A LINE COMMON TO A TRACT OR PARCEL OF LAND AS DESCRIBED IN OFFICIAL RECORD BOOK 1775 AT PAGE 2026 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA TO A POINT OF TANGENCY; THENCE N.06°41'21"W. FOR 316.84 FEET ALONG SAID COMMON LINE; THENCE N.83°18'39"E. FOR 500.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 11.302 ACRES MORE OR LESS

ADD 2005 00034

NOTES:

THIS PROPERTY SUBJECT TO EASEMENTS, RESERVATIONS OR RESTRICTIONS OF RECORD.

BEARINGS SHOWN HEREON REFER TO THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SECTION 4, TOWNSHIP 47 SOUTH, RANGE 25 EAST AS BEING S.88°14'22"W.

HOLE MONTES, INC.
CERTIFICATE OF AUTHORIZATION LB #1772

Applicant's Legal Checked

by *MM* 09MAR05

BY *Thomas M. Murphy*
THOMAS M. MURPHY

P.S.M. #5628
STATE OF FLORIDA

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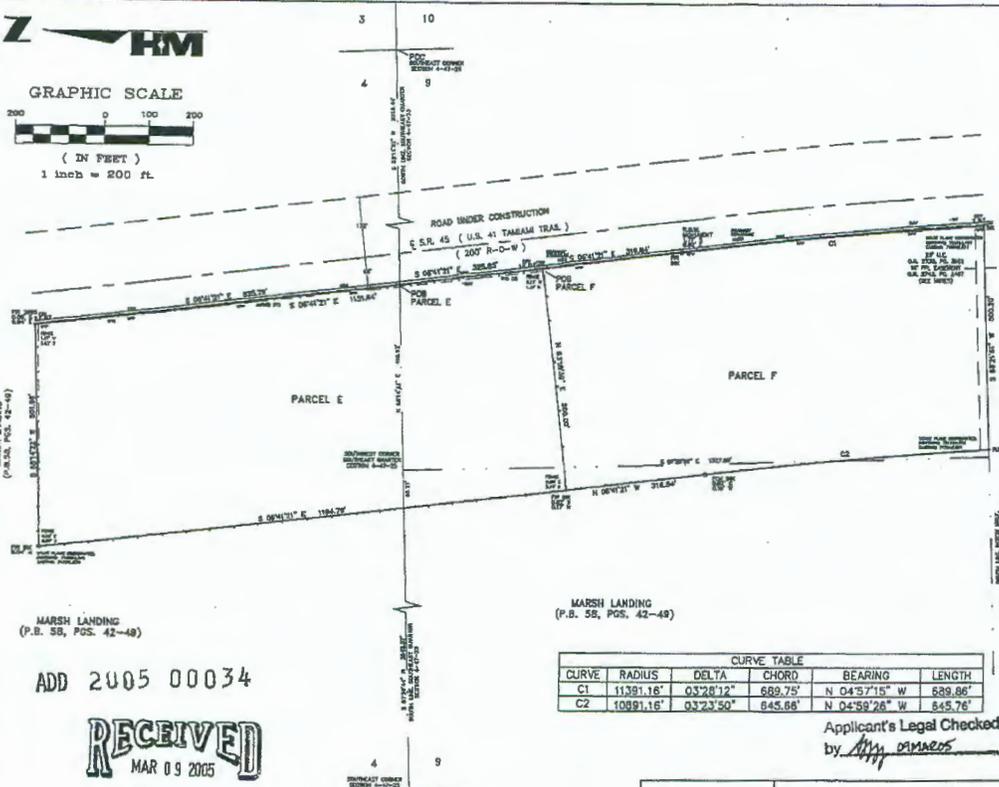
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GRAPHIC SCALE



(IN FEET)
1 inch = 200 ft.



PARCEL E
LEGAL DESCRIPTION
A TRACT OR PARCEL OF LAND LYING IN SECTIONS 4 AND 9, TOWNSHIP 47 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:
COMMENCE AT THE SOUTHWEST CORNER OF SECTION 4, TOWNSHIP 47 SOUTH, RANGE 25 EAST; THENCE SOUTH 87°42'21" WEST FOR 2284.14 FEET ALONG THE SOUTH LINE OF THE SOUTHEAST ONE QUARTER (Q1) OF SAID SECTION 4 TO AN INTERSECTION WITH THE WESTERLY RIGHT-OF-WAY LINE OF U.S. 41 (E.S. 43, TAMAMU TRAIL) AND THE EAST-TO-EAST BEARING;
THENCE NORTH 0°11'21" WEST FOR 824.78 FEET ALONG SAID WESTERLY RIGHT-OF-WAY; THENCE SOUTH 87°42'21" WEST FOR 801.88 FEET ALONG THE SOUTHERLY LINE OF A ROAD RIGHT-OF-WAY (200' R-D-W) FROM THE CENTERLINE AS DESCRIBED IN OFFICIAL RECORD BOOK 1984 AT PAGE 287 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA TO AN INTERSECTION WITH A LINE PARALLEL WITH AND LYING 800.00 FEET WESTERLY OF (AS MEASURED PERPENDICULAR TO) THE ABOVE-MENTIONED WESTERLY RIGHT-OF-WAY LINE OF U.S. 41; THENCE SOUTH 0°41'21" EAST FOR 1,544.75 FEET ALONG SAID PARALLEL LINE AND A LINE COMMON WITH A TRACT OR PARCEL OF LAND AS DESCRIBED IN OFFICIAL RECORD BOOK 1778 AT PAGE 2228 OF SAID PUBLIC RECORDS; THENCE NORTH 83°19'30" EAST FOR 800.00 FEET; THENCE NORTH 26°17'21" WEST FOR 325.23 FEET ALONG THE ABOVE-MENTIONED WESTERLY RIGHT-OF-WAY OF U.S. 41 TO THE POINT OF BEGINNING.
CONTAINING 13.467 ACRES, MORE OR LESS

PARCEL F
LEGAL DESCRIPTION
A TRACT OR PARCEL OF LAND LYING IN SECTION 9, TOWNSHIP 47 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:
COMMENCE AT THE SOUTHWEST CORNER OF SECTION 4, TOWNSHIP 47 SOUTH, RANGE 25 EAST (BE 10) OF SAID SECTION 4 TO AN INTERSECTION WITH THE WESTERLY RIGHT OF WAY LINE OF U.S. 41 (E.S. 43, TAMAMU TRAIL); THENCE SOUTHWESTERLY ALONG SAID RIGHT OF WAY FOR 354.50 FEET TO THE POINT OF BEGINNING;
THENCE CONTINUE S47°41'21" W. FOR 318.84 FEET ALONG SAID WESTERLY RIGHT OF WAY TO THE POINT OF CURVATURE OF A CURVE TO THE RIGHT; RADIUS 1139.16 FEET, CENTRAL ANGLE 02°28'12" (C1); THENCE SOUTHWESTERLY FOR 689.75 FEET ALONG THE ARC OF SAID CURVE; THENCE S47°15'15" W. (C2) NORTHEAST 84°57'26" E. ALONG THE SOUTH LINE OF SECTION 9 TO A POINT OF INTERSECTION WITH A CURVE TO THE LEFT, CONCAVE TO THE WEST, COMPRISING 70 AND LYING 800.00 FEET WESTERLY OF (AS MEASURED PERPENDICULAR TO) THE ABOVE-MENTIONED WESTERLY RIGHT OF WAY OF U.S. 41; THENCE NORTHWESTERLY FOR 845.78 FEET ALONG THE ARC OF SAID CURVE (QUADRANT 108°19'18" FEET, CENTRAL ANGLE 02°28'12" (C1) CURVE BEARING ALONG SAID CURVE 845.78 FEET AND A LINE COMMON TO A TRACT OR PARCEL OF LAND AS DESCRIBED IN OFFICIAL RECORD BOOK 1778 AT PAGE 2228 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA TO A POINT OF INTERSECTION; THENCE NORTHWESTERLY FOR 318.84 FEET ALONG SAID COMMON LINE; THENCE S47°15'15" E. FOR 800.00 FEET TO THE POINT OF BEGINNING.
CONTAINING 11.302 ACRES MORE OR LESS

NOTES
THIS PROPERTY SUBJECT TO EASEMENTS, RESERVATIONS OR RESTRICTIONS OF RECORD.
BEARINGS SHOWN HEREIN REFER TO THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SECTION 4, TOWNSHIP 47 SOUTH, RANGE 25 EAST AS BEING S47°41'21" W.

LEGAL DESCRIPTIONS WERE PROVIDED BY CLIENT.
ABSTRACT OF TITLE HAS NOT BEEN REVIEWED BY SURVEYOR.
STATION PLACES COORDINATES SHOWN HEREIN REFER TO FLORIDA STATE PLANE WEST ZONE N.A.D. 83 1984 ADJUSTMENT.

THIS PROPERTY WAS VACANT ON 05/02/04.
PROPERTY AREA: 24.769 ACRES, MORE OR LESS.
SECTION INFORMATION BASED ON THE BAC ENGINEERING SURVEY DATED 10/23/02, REFERENCE FILE NUMBER 8798-7.

FLORIDA POWER AND LIGHT FASUREMENT, BASED ON THE ABOVE BAC ENGINEERING SURVEY DATED 10/23/02, AND AMENDMENTS RECORDED IN OFFICIAL RECORD BOOK 2743, PAGE 287 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA, EXACT LOCATION CANNOT BE DETERMINED.

THIS SURVEY IS NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.
I HEREBY CERTIFY THAT THE SURVEY DESCRIBED PROPERTY WAS SURVEYED UNDER MY DIRECTOR OR SUPERVISOR'S PERSONAL SUPERVISION AND THAT THIS SURVEY MEETS THE MINIMUM TECHNICAL STANDARDS FOR LAND SURVEYS BY THE BOARD OF SURVEYORS OF THE STATE OF FLORIDA PURSUANT TO CHAPTER 2017-2, F.A.C.
FILE NUMBER: 2017-000111
CERTIFICATE OF AUTHORIZATION: #1772

by *Thomas S. Munn*
P.L.M. MEMBER
STATE OF FLORIDA

REVISION No.	DESCRIPTION	DATE
1		

DRAWN BY:	DATE 03/05	SECTION 4/9	PROJECT No.
AM	F.S. 897	TOWNSHIP 47	04.056
CHECKED BY:	PAGE 11	RANGE 25	DRAWING No.
TMM	REFERENCES	BOUNDARY11x17	B-5290

CURVE	RADIUS	DELTA	CHORD	BEARING	LENGTH
C1	11391.16'	03°28'12"	689.75'	N 04°57'15" W	689.86'
C2	10891.16'	03°23'50"	645.66'	N 04°59'26" W	645.76'

Applicant's Legal Checked by *Myra Daniels*

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

BOUNDARY SURVEY
COCONUT TRACE
SECTIONS 4 AND 9, TOWNSHIP 47 SOUTH, RANGE 25 EAST
LEE COUNTY FLORIDA

950 Encore Way
Naples, Florida 34110
Phone: (239) 254-2000
Florida Certificate of Authorization No.1772



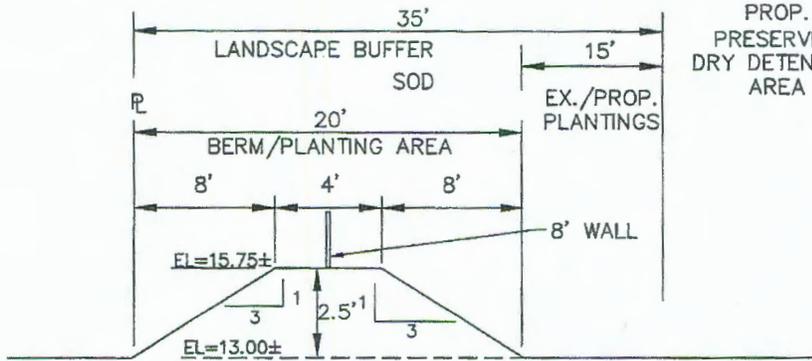
MARSH LANDING (P.B. 58, PGS. 42-48)

ADD 2005 00034

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- LEGEND**
- SR SET IRON ROD W/CAP LB 1772
 - FR FOUND IRON ROD
 - FCM FOUND CONCRETE MONUMENT
 - WV WATER VALVE
 - UTS UNITED TELEPHONE SYSTEM BOX
 - WPP WOODEN PUNCH POLE
 - CSW CONCRETE SIDEWALK
 - UE UTILITY EASEMENT

INFORMATION MUST ALSO INCLUDE DEVIATIONS FROM THE SURVEYING PRACTICES AND STANDARDS OF THE PROFESSION AS SET FORTH IN THE FLORIDA SURVEYING PRACTICES AND STANDARDS ACT, CHAPTER 2017-2, F.A.C.



PROP.
PRESERVE/
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**VILLAGE OF ESTERO, FLORIDA
ZONING
ORDINANCE NO. 2016 - 13**

AN ORDINANCE OF THE VILLAGE COUNCIL OF THE VILLAGE OF ESTERO, FLORIDA, APPROVING AN AMENDMENT TO THE SHOPPES OF COCONUT TRACE COMMERCIAL PLANNED DEVELOPMENT TRACT B, A 1.9 ACRE PROPERTY LOCATED AT 22942 LYDEN LANE, TO ADD LIMITED COMMERCIAL USES WITH CONDITIONS TO PREVIOUSLY APPROVED USES ON TRACT B OF THE COMMERCIAL PLANNED DEVELOPMENT, TO APPROVE A DEVIATION FOR A SIGN SETBACK, AND TO DENY A PARKING REDUCTION DEVIATION; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, CFT NV Developments LLC (the "Applicant") filed an application to amend the schedule of uses, add 2 deviations, and to a make special case finding for site location standards for Tract B of a property known as **Shoppes of Coconut Trace** located at 22941 Lyden Drive, Estero, FL, consisting of approximately 1.9 acres (the "Property"); and

WHEREAS, the STRAP number is 09-47-25-E2-3500B.00B0; and

WHEREAS, the Applicant requested an amendment to the approved schedule of uses to add limited commercial retail uses to the previously approved uses, a setback deviation for a monument sign, and a deviation for a 5% parking reduction; and

WHEREAS, the Applicant requested that the Village make a special case finding, if needed, for site location standards to allow the additional uses; and

WHEREAS, a public hearing was held at the Planning and Zoning Board on September 20, 2016; and the Planning and Zoning Board recommended approval with conditions of the request; and

WHEREAS, a duly noticed first reading and public hearing was held before the Village Council on November 2, 2016; and

WHEREAS, a duly noticed second reading and public hearing was held before the Village Council on _____, at which time the Village Council gave consideration to the evidence presented by the Applicant and the Village staff, the recommendations of the Planning and Zoning Board and the comments of the public.

46 **NOW, THEREFORE**, be it ordained by the Village Council of the Village of Estero,
47 Florida:

48
49 **Section 1. Adoption of Recitals.**
50

51 The Village Council hereby adopts the foregoing recitals and incorporates them as a
52 part of this Ordinance.
53

54 **Section 2. Zoning Amendment.**
55

56 The Village Council approves the amendment to allow additional commercial uses and
57 the sign setback deviation, subject to the following conditions:
58

59 **Section 3. Conditions and Deviations.**
60

61 1. The development of this project must be consistent with the site plan for CFT NV
62 Developments LLC, stamped _____, 2016 (Exhibit A), except as modified
63 by the conditions below. The development must also be consistent with the provisions
64 of Zoning Resolution Z-03-011 and ADD2005-00034, except as modified by this
65 action.
66

67 2. The schedule of uses which replaces that found in Resolution Z-03-011 and listed
68 on Exhibit B is approved, conditioned on the reverse frontage road southern section
69 being issued a Certificate of Compliance as set forth in paragraph 3 below.
70

71 3. Condition 5 of Resolution Z-03-011 is amended by this action eliminating the
72 limitation with the compliance with the commercial site location standards in Policy
73 6.1.2.1 only for Out-Parcel, Block B, Tract B. However, the additional uses requested
74 are subject to the reverse frontage road southern section being issued a Certificate of
75 Compliance under a valid approved development order. Condition 3 of ADD2005-
76 00034 providing for a maximum intensity table for each Tract within the planned
77 development remains in effect. The commercial location standard limitation remains
78 in effect for the remaining portion of the approved planned development.
79

80 4. Deviation from LDC Section 34-2020(c) which allows a 5% reduction in required
81 off-street parking is not approved.
82

83 5. Deviation from LDC Section 33-385(a)(3) which requires a 15 foot setback for a
84 monument sign from the right-of-way is approved in part, to allow a 13 foot setback
85 from the right-of-way.
86

87 **Section 4. Findings and Conclusions.**
88

89 Based on the evidence in the record and its analysis of the relevant Transitional
90 Comprehensive Plan goals, objectives and policies, Transitional Land Development

91 Code regulations, and codes and regulations, the Village Council makes the following
92 findings and conclusions.

93
94 1. The Applicant has provided sufficient justification for the amendment of uses, as
95 conditioned, and a 13 foot setback deviation by demonstrating compliance with the
96 Land Development Code, and other applicable codes and regulations.

97
98 2. The amendment will not place an undue burden upon existing transportation or
99 planned infrastructure facilities and will not adversely affect environmentally critical
100 area and natural resources.

101
102 3. Urban services, as defined in the Transitional Comprehensive Plan, are, or will be,
103 available and adequate to serve the proposed land use.

104
105 4. The proposed additional commercial uses as conditioned are limited and as such,
106 will not be inappropriate at this specific location.

107
108 5. The recommended conditions to the Master Concept Plan and other applicable
109 regulations provide sufficient safeguards to the public interest.

110
111 6. The recommended conditions are reasonably related to the impacts on the public's
112 interest created by or expected from the proposed development.

113
114 7. A Special Case finding for commercial site location standards is not needed.

115
116 8. The 13 foot setback deviation:

117
118 (a) Enhances the planned development; and

119 (b) Preserves and promotes the general intent of the LDC to protect the public
120 health, safety and welfare, as the requested 15' setback would conflict with
121 existing underground utilities.

122
123 **Section 5. Exhibits.**

124
125 The following exhibits are attached to this Ordinance and incorporated by reference:

126
127 Exhibit A Master Concept Plan

128 Exhibit B Schedule of Uses

129
130 **Section 6. Conflicts.**

131
132 All sections or part of Sections of the Code of Ordinances, all Ordinances or parts of
133 Ordinances, and all Resolutions, or parts of Resolutions, in conflict with this Ordinance
134 shall be repealed to the extent of such conflict upon the effective date of this Ordinance.

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Section 7. Severability.

Should any section, paragraph, sentence, clause, phrase or other part of this Ordinance subsequent to its effective date be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of this Ordinance as a whole or any portion thereof, other than the part so declared to be invalid.

Section 8. Effective Date.

This Ordinance shall be effective immediately upon adoption.

PASSED on first reading this ____ day of _____, 2016.

PASSED AND ADOPTED BY THE VILLAGE COUNCIL of the Village of Estero, Florida this ____ day of _____, 2016.

Attest:

VILLAGE OF ESTERO, FLORIDA

By: _____
Kathy Hall, MMC, Village Clerk

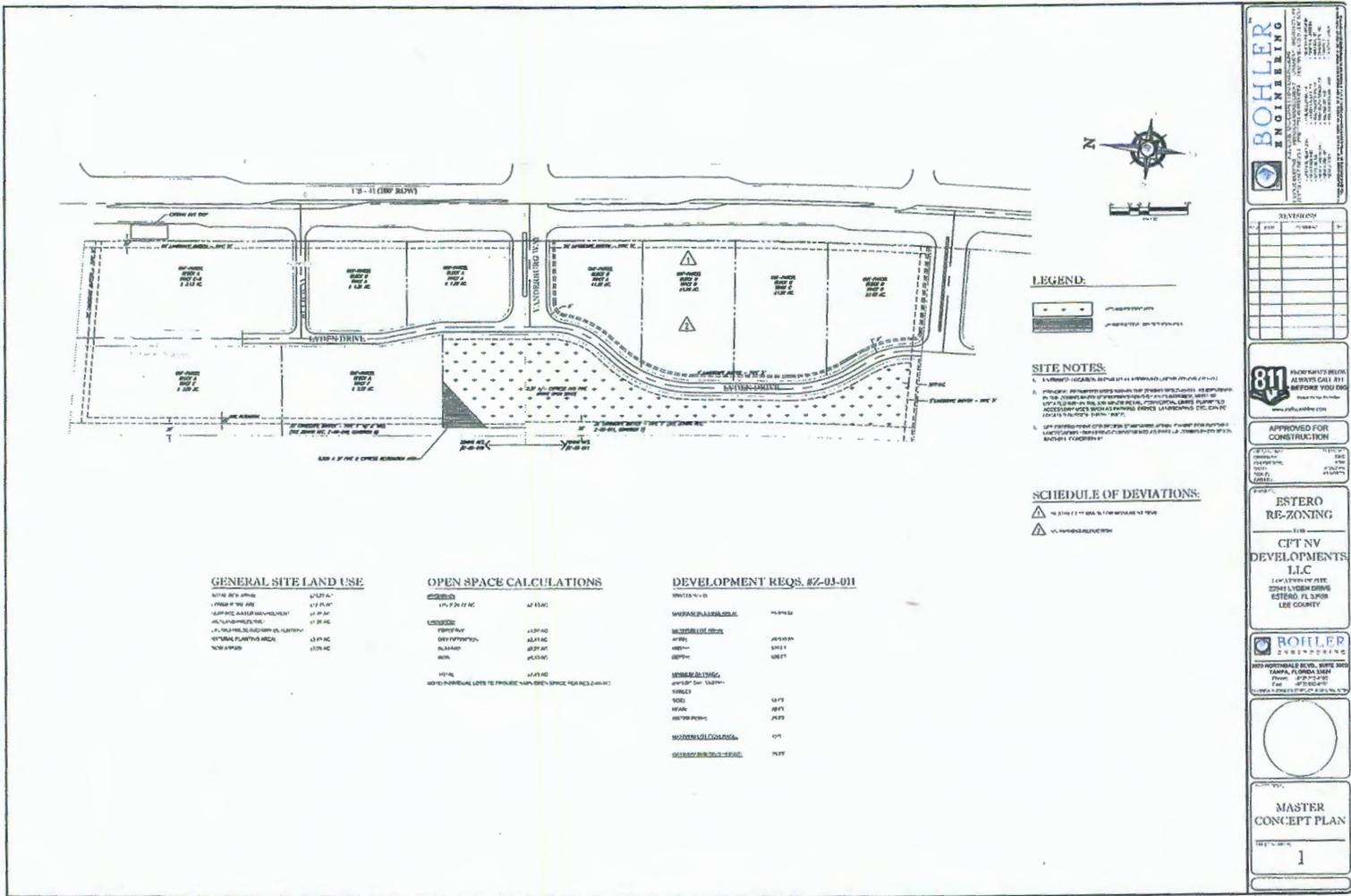
By: _____
Nicholas Batos, Mayor

Reviewed for legal sufficiency:

By: _____
Nancy E Stroud, Village Land Use Attorney

Vote:	AYE	NAY
Mayor Batos	_____	_____
Vice Mayor Levitan	_____	_____
Councilmember Boesch	_____	_____
Councilmember Brown	_____	_____
Councilmember Errington	_____	_____
Councilmember Ribble	_____	_____
Councilmember Wilson	_____	_____

EXHIBIT A



LEGEND:

- EASEMENT
- PROPOSED LOT

SITE NOTES:

1. ALL PROPERTY LINES SHOWN ON THIS PLAN ARE BASED ON THE 2010 SURVEY BY [Name] AND SHOULD BE USED AS A GUIDE ONLY. THE PROPERTY LINES SHOWN ON THIS PLAN ARE NOT TO BE USED FOR CONSTRUCTION PURPOSES.
2. ALL UTILITIES SHOWN ON THIS PLAN ARE BASED ON THE 2010 SURVEY BY [Name] AND SHOULD BE USED AS A GUIDE ONLY. THE UTILITIES SHOWN ON THIS PLAN ARE NOT TO BE USED FOR CONSTRUCTION PURPOSES.
3. ALL EASEMENTS SHOWN ON THIS PLAN ARE BASED ON THE 2010 SURVEY BY [Name] AND SHOULD BE USED AS A GUIDE ONLY. THE EASEMENTS SHOWN ON THIS PLAN ARE NOT TO BE USED FOR CONSTRUCTION PURPOSES.

SCHEDULE OF DEVIATIONS:

- 1. [Description]
- 2. [Description]

GENERAL SITE LAND USE

LOT 1	1.00 AC
LOT 2	1.00 AC
LOT 3	1.00 AC
LOT 4	1.00 AC
LOT 5	1.00 AC
LOT 6	1.00 AC
LOT 7	1.00 AC
LOT 8	1.00 AC
LOT 9	1.00 AC
LOT 10	1.00 AC

OPEN SPACE CALCULATIONS

LOT 1	1.00 AC
LOT 2	1.00 AC
LOT 3	1.00 AC
LOT 4	1.00 AC
LOT 5	1.00 AC
LOT 6	1.00 AC
LOT 7	1.00 AC
LOT 8	1.00 AC
LOT 9	1.00 AC
LOT 10	1.00 AC

DEVELOPMENT REQS. 82-03-011

MINIMUM LOT AREA	1.00 AC
MINIMUM LOT WIDTH	100 FT
MINIMUM LOT DEPTH	100 FT
MINIMUM LOT FRONT SETBACK	10 FT
MINIMUM LOT SIDE SETBACK	10 FT
MINIMUM LOT REAR SETBACK	10 FT
MINIMUM LOT CORNER SETBACK	10 FT
MINIMUM LOT EASEMENT	10 FT
MINIMUM LOT DRIVEWAY	10 FT
MINIMUM LOT FENCE	10 FT
MINIMUM LOT SIGN	10 FT
MINIMUM LOT LIGHT	10 FT
MINIMUM LOT UTILITY	10 FT
MINIMUM LOT EROSION CONTROL	10 FT
MINIMUM LOT LANDSCAPE	10 FT
MINIMUM LOT TREES	10 FT
MINIMUM LOT GRASS	10 FT
MINIMUM LOT SOIL	10 FT
MINIMUM LOT WATER	10 FT
MINIMUM LOT AIR	10 FT
MINIMUM LOT SOUND	10 FT
MINIMUM LOT VIBRATION	10 FT
MINIMUM LOT CLIMATE	10 FT
MINIMUM LOT POLLUTION	10 FT
MINIMUM LOT WASTE	10 FT
MINIMUM LOT HAZARD	10 FT
MINIMUM LOT SECURITY	10 FT
MINIMUM LOT SAFETY	10 FT
MINIMUM LOT HEALTH	10 FT
MINIMUM LOT EDUCATION	10 FT
MINIMUM LOT RECREATION	10 FT
MINIMUM LOT CULTURE	10 FT
MINIMUM LOT ARTS	10 FT
MINIMUM LOT HISTORY	10 FT
MINIMUM LOT HERITAGE	10 FT
MINIMUM LOT IDENTITY	10 FT
MINIMUM LOT CHARACTER	10 FT
MINIMUM LOT QUALITY	10 FT
MINIMUM LOT BEAUTY	10 FT
MINIMUM LOT COMFORT	10 FT
MINIMUM LOT CONVENIENCE	10 FT
MINIMUM LOT ACCESSIBILITY	10 FT
MINIMUM LOT CONNECTIVITY	10 FT
MINIMUM LOT COHESION	10 FT
MINIMUM LOT COMMUNITY	10 FT
MINIMUM LOT CULTURE	10 FT
MINIMUM LOT IDENTITY	10 FT
MINIMUM LOT CHARACTER	10 FT
MINIMUM LOT QUALITY	10 FT
MINIMUM LOT BEAUTY	10 FT
MINIMUM LOT COMFORT	10 FT
MINIMUM LOT CONVENIENCE	10 FT
MINIMUM LOT ACCESSIBILITY	10 FT
MINIMUM LOT CONNECTIVITY	10 FT
MINIMUM LOT COHESION	10 FT
MINIMUM LOT COMMUNITY	10 FT

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MASTER CONCEPT PLAN

1

EXHIBIT B

SHOPPES OF COCONUT TRACE Schedule of Uses

Previously Approved –

Accessory Uses and Structures
Administrative Offices (subject to note 1 of LDC 34-934)
Banks and Financial Establishments
Broadcast Studio, Commercial Radio and Television
Business Services
Cleaning and Maintenance Services
Contractors and Builders (Group I only)
Drugstore, Pharmacy
Emergency Medical Services
Essential Services
Essential Service Facilities (Group I only)
Excavation, Water Retention
Food and Beverage Service (not restaurant)
Health Care Facilities
Medical Office
Parking Lot: accessory
Police or Sheriff's Station
Post Office
Printing and Publishing
Real Estate Sales Office
Recreation, Commercial (Group I only)
Rental or Leasing Establishment (Groups I and II only)
Schools, Commercial
Signs per Ch. 30 and 33 of LDC
Storage (indoor only)
Temporary Uses – limited to temporary contractors offices and sheds incidental to construction per LDC 34-3044, seasonal promotions and Christmas tree sales and sidewalk sales

New Request –

Clothing Stores
Gift and Souvenir Shop
Hobby, Toy and Game Shops
Household and Office Furnishings (Groups I and II)
Personal Services (Groups I, II, III, and IV – excluding escort services, steam or Turkish baths, and tattoo parlors)
Pet Services
Pet Shop
Restaurants (Groups I, II, and III only)
Specialty Retail Shops (Groups I, II, and III)