The Village of ESTERO

9401 CORKSCREW PALMS CIRCLE
ESTERO, FLORIDA 33928
TEL 239-221-5035
FAX 239-494-5343
Estero-fl.gov

MEMORANDUM

TO: Planning and Zoning Board

FROM: Mark Muraczewski, Senior Planner

DATE: August 15, 2016

SUBJECT: Shoppes of Coconut Trace-DCI 2015-00021

This case was continued at the applicant's request from the July 19, 2016 Planning and Zoning Board. Since the last meeting the Applicant has submitted additional information (memo) on August 11, 2016 regarding the Comprehensive Plan Site Location Standards. The memo is attached for your review.

Also please find a copy of the prior staff report.

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: July 19, 2016

REQUEST

This is a request to add commercial uses to Tract B (Building #2), a 1.3 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 1.34 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 Applicant's 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 (Attachment F) a narrative supporting a Special Case Finding for the commercial uses.

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 no 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 the proposed setback of ten feet (10’) rather than 15 feet required by the LDC can be justified. There are a few nearby signs along the US 41 corridor which are setback 10 feet or less. The Applicant had indicated the footing for the adjacent building conflicts with the proposed sign footing location. The additional 3 feet would create an acceptable separation between the two structures. The monument sign complies with all other aspects for the requirements of LDC sections 30 and 33 as approved by the DRB. Staff supports the deviation as requested.

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 will 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.

RECOMMENDATION

The request for additional retail uses does not meet the locational requirement for Policy 6.1.2 of the Comprehensive Plan. Approving the revised schedule of uses could create a commercial strip effect along the US 41 corridor. Staff does not recommend approval of the additional uses and believes the approved schedule of uses for Tract B would be more appropriate. In addition, staff recommends approval of the monument sign setback reduction and denial of the parking reduction for Phase II (Building #2).

ATTACHMENTS

A. Maps
B. Resolution Z-03-11
C. Master Concept Plan
D. Site Layout (Sheet C-5)
E. Legal Description
F. Special Case Narrative

ATTACHMENT A

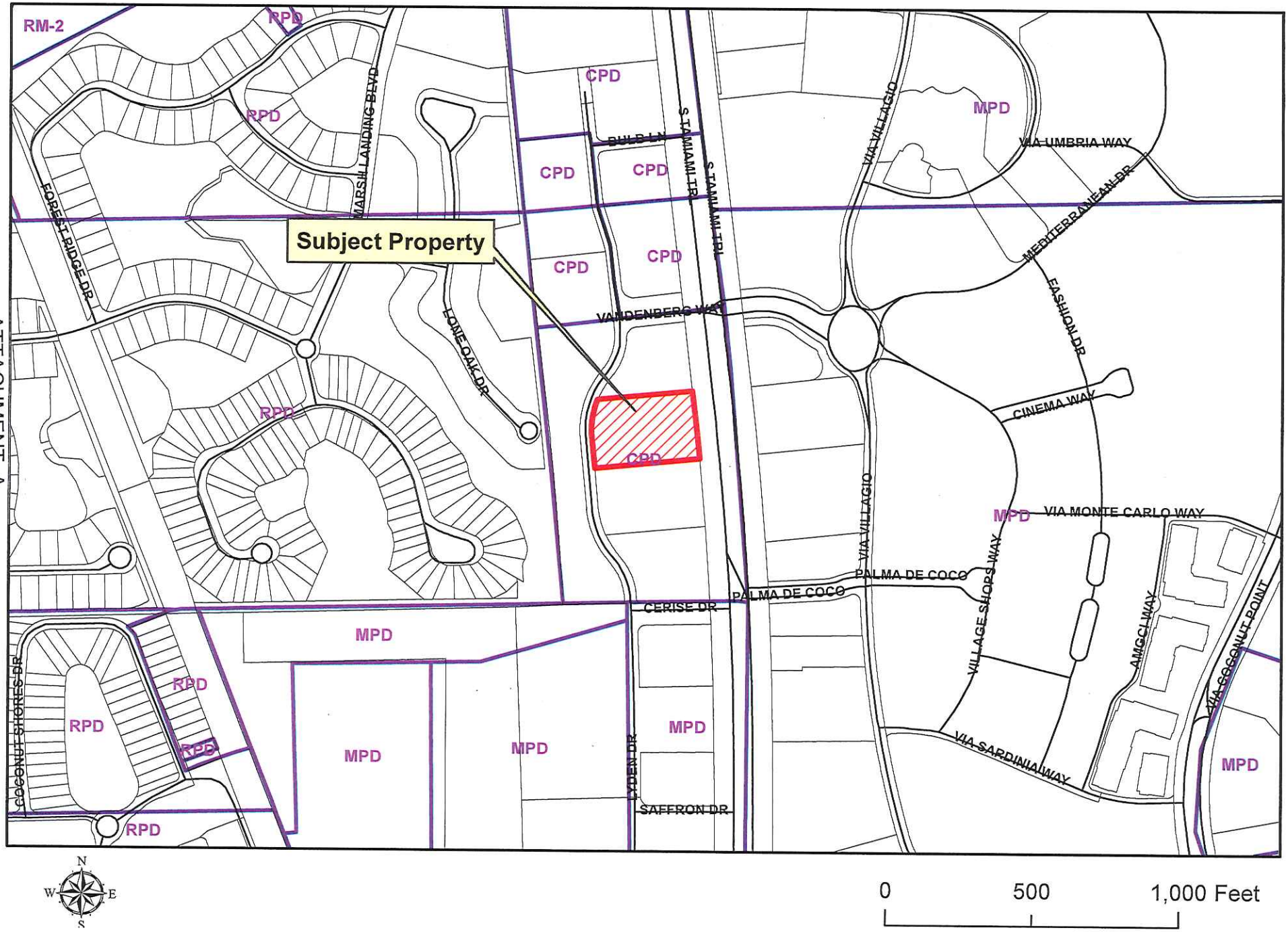
Maps

DCI2015-00021

2016 AERIAL

DCI2015-00021

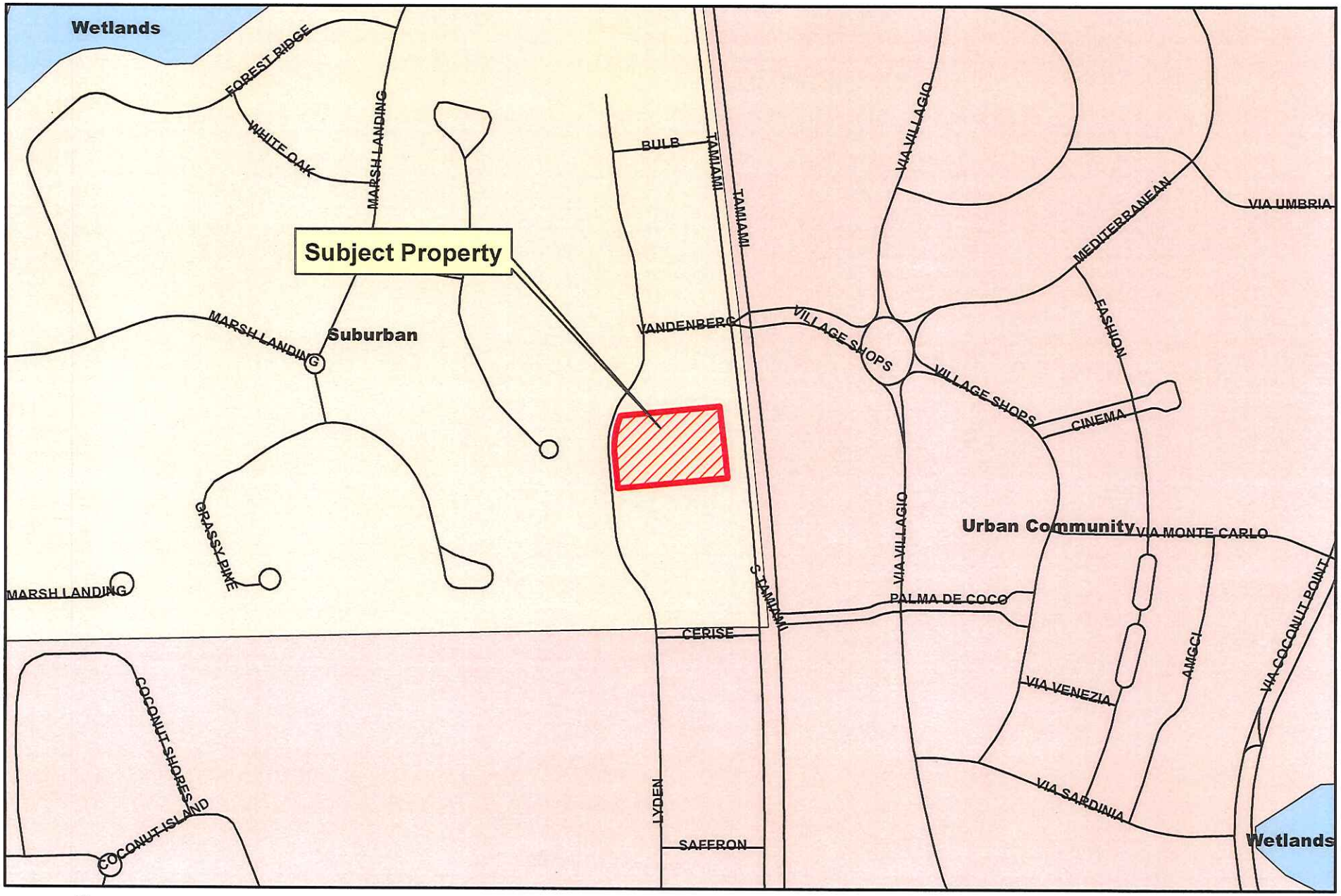
ZONING



ATTACHMENT A

DCI2015-00021

Future Land Use



ATTACHMENT B

Resolution Z-03-1

RESOLUTION NUMBER Z-03-011

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 wi)l 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 am 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

BY: _____
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: _____
Chairman

SEAL

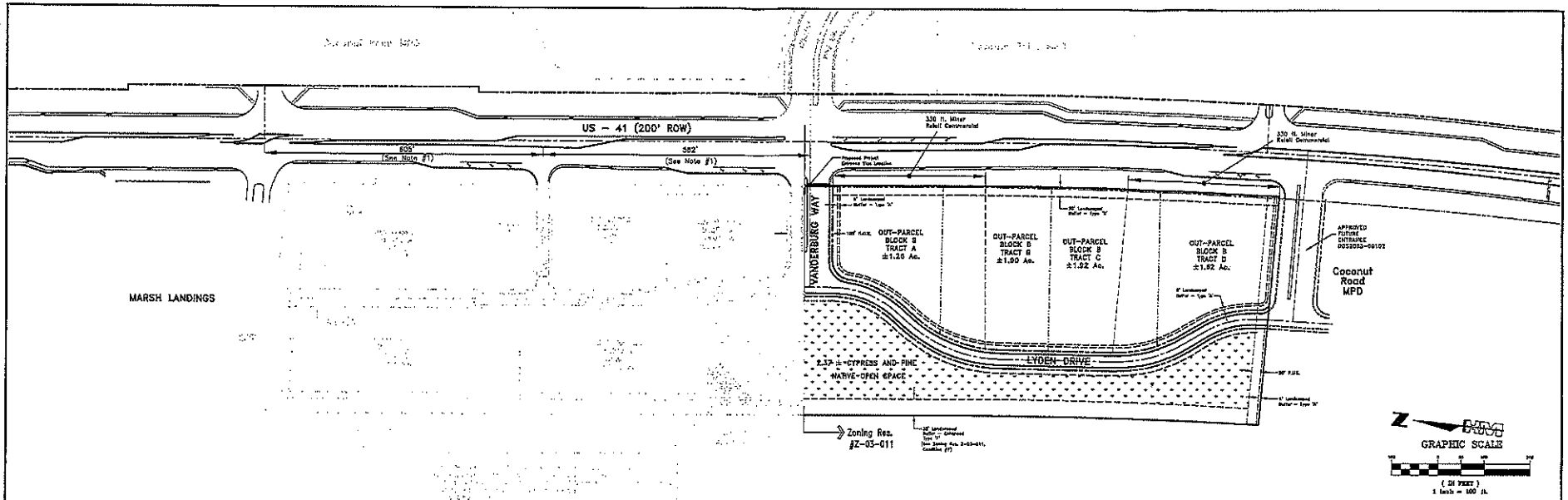
2003 JUL 10 PM 12:49

Approved as to form by:

_____
County Attorney's Office

ATTACHMENT C

Master Concept Plan



ADD 2005 00034

RECEIVED
FEB 21 2005
PERMIT COUNTER

GENERAL SITE LAND USE

TOTAL SITE AREA:	±24.77 Ac
COMMERCIAL AREA:	±17.75 Ac
SURFACE WATER MANAGEMENT:	± 4.76 Ac
WETLAND PRESERVE	± 1.27 Ac
UPLAND PRESERVE / DRY DETENTION / NATURAL PLANTING AREA	± 3.49 Ac
R.O.W. AREAS:	± 2.26 Ac

DEVELOPMENT REQ'S.

(Per Zoning Res. #Z-03-011)

TRACTS "A" – "D"

MAXIMUM BUILDING AREA:	95,000 S.F.
MINIMUM LOT AREA:	
AREA:	20,000 SF
WIDTH:	100 FT
DEPTH:	100 FT
MINIMUM SETBACKS: (per LDC Sec. 34-2191)	
STREET –	
SIDE:	10 FT
REAR:	20 FT
WATER BODY:	25 FT
MAXIMUM LOT COVERAGE:	45%
MAXIMUM BUILDING HEIGHT:	35 FT

OPEN SPACE CALCULATION

REQUIRED:

30% X 24.77	± 7.43 Ac.

PROVIDED:

PRESERVE	± 1.27 Ac.
DRY DETENTION	± 3.49 Ac.
BUFFERS	* 2.27 Ac.
R.O.W.	± 0.40 Ac.
TOTAL	± 7.43 Ac.

* NOTE: INDIVIDUAL LOTS TO PROVIDE 10% OPEN SPACE PER RES. Z-00-010

APPROVED
Amendment to
Master Concept Plan
Subject to Case # ADD2005-00034
Date 3/10/05

NOTES:

1.) ENTRANCE LOCATION ALONG US 41 APPROVED UNDER ZONING Z-00-010

2.) PRINCIPAL PERMITTED USES WITHIN THE ZONING RES. Z-03-011, AS IDENTIFIED IN THE ZONING RESOLUTION PRECEDED BY AN (*) ASTERIK, MUST BE LOCATED WITHIN THE 330' MINOR RETAIL COMMERCIAL LIMITS. PERMITTED ACCESSORY USES SUCH AS PARKING, DRIVES, LANDSCAPING, ETC. CAN BE LOCATED OUTSIDE THESE LIMITS.

3.) SEE ESTERO POINT CPD DESIGN STANDARDS AERIAL EXHIBIT FOR FURTHER LANDSCAPING / BUFFERING COMMITMENTS AS PART OF ZONING RESOLUTION #Z-03-011, CONDITION #1.

LEGEND

WETLAND PRESERVE AREA

UPLAND PRESERVE / DRY DETENTION AREA

RESOLUTION No.: Z-00-010
PARCEL No.: 08-47-25-00-00001.0050

LETTER	REVISIONS	DATE
A		
A		
A		
A		
A		

TULIP ASSOC, LLC & MANCHESTER ASSOC, LLC

COCONUT TRACE

LEE COUNTY, FLORIDA

DESIGNED BY	C.L.K.	11/11/04
DRAWN BY	C.R.B.	11/11/04
CHECKED BY	C.L.K.	11/04
VERTICAL SCALE	N/A	HORIZONTAL SCALE 1" = 100'

HOLE MONTES
ENGINEERS • PLANNERS • SURVEYORS

6202-F Presidential Court
Fort Myers, FL 33919
Phone : (239) 985-1200
Florida Certificate of Authorization No.1772
Naples • Fort Myers • Venice • Englewood

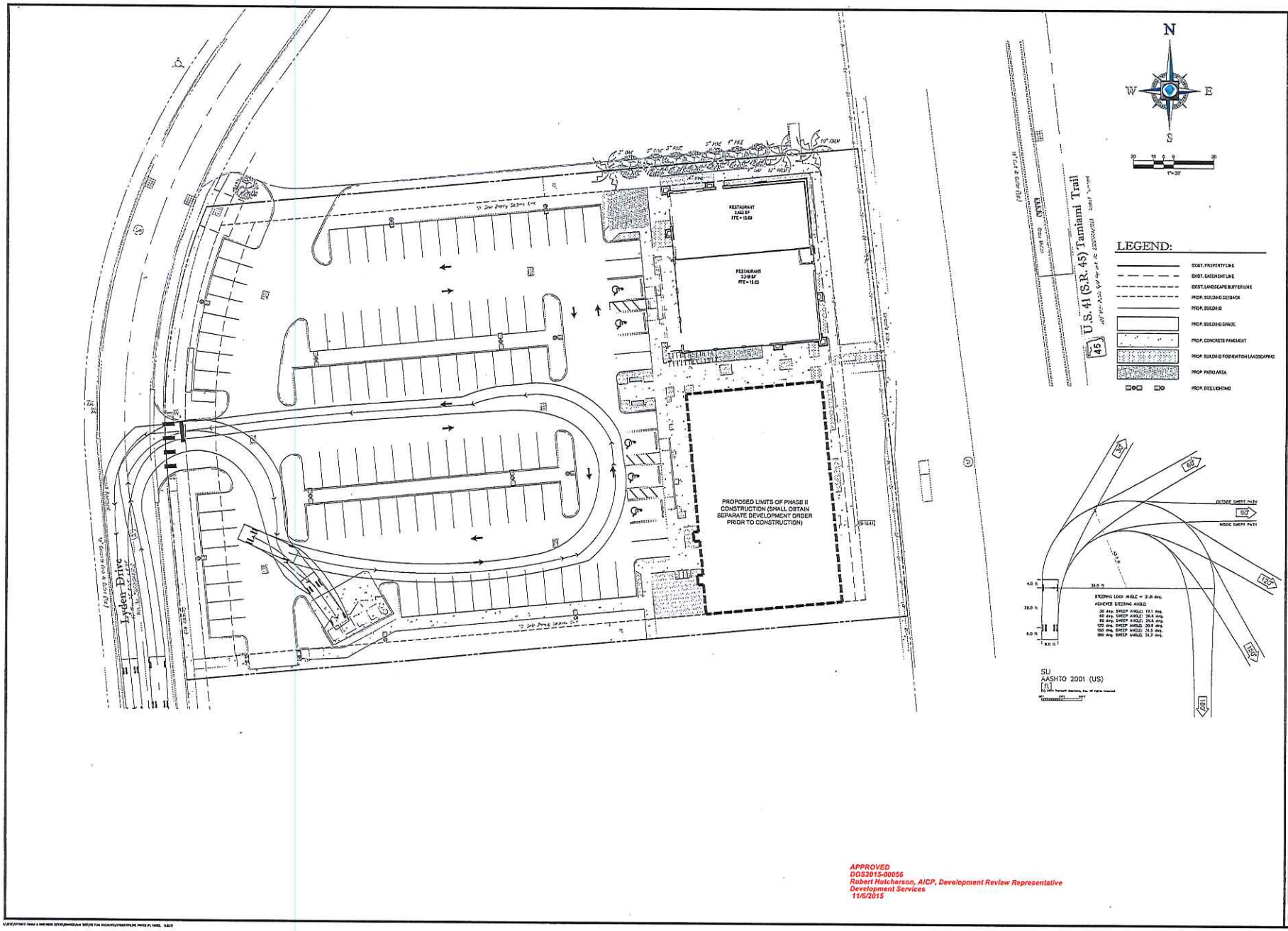
MASTER CONCEPT PLAN

REFERENCE NO.	DRAWING NO.
0456B-MCP	10**-**
PROJECT NO.	SHEET NO.
2004.56-B	1 of 1

ATTACHMENT D

Site Layout (Sheet C-5)

DOS2015-00056 Lee County ePlan



APPROVED
DOS2015-00056
Robert Hutcherson, AICP, Development Review Representative
Development Services
11/6/2015

BOHLER ENGINEERING

REVISIONS

REV	DATE	COMMENT	BY
1	09-29-15	PER COUNTY COMMENTS	JDP

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

PERMIT SET

PROJECT No.:	FLT160017
DRAWN BY:	JDP
CHECKED BY:	GRR
DATE:	05/23/15
SCALE:	1" = 20'
CAD I.D.:	SFD

PROJECT: SITE CONSTRUCTION DRAWINGS FOR CFT NV DEVELOPMENTS, LLC

LOCATION OF SITE
22941 LYDEN DRIVE
ESTERO, FL 33928
LEE COUNTY

BOHLER ENGINEERING
3820 NORTHDALE BLVD., SUITE 300B
TAMPA, FLORIDA 33624
Phone: (813) 812-4100
Fax: (813) 812-4101
FLORIDA BUSINESS CERT. OF AUTH. No. 30785

Kyle Steven Morel, PE 77085
10/12/2015

SHEET TITLE: VEHICULAR MOVEMENT PLAN

SHEET NUMBER: C-5.1

ATTACHMENT E

Legal Description

HOLE MONTES
ENGINEERS · PLANNERS · SURVEYORS

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

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

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.

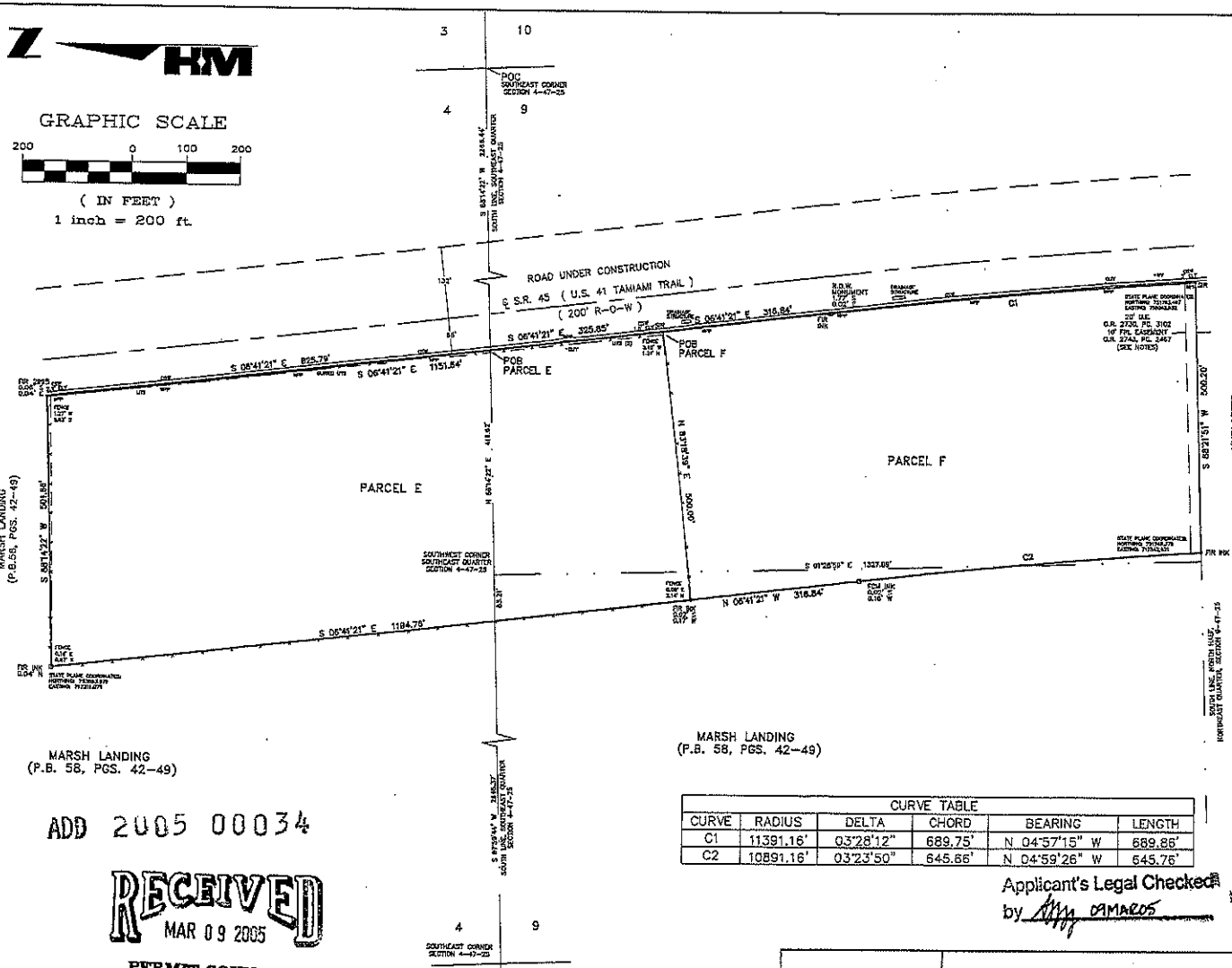
Applicant's Legal Checked
by 09MAR05

HOLE MONTES, INC.
CERTIFICATE OF AUTHORIZATION LB #1772

BY Thomas M. Murphy
THOMAS M. MURPHY P.S.M. #5628
STATE OF FLORIDA

RECEIVED
FEB 21 2005
PERMIT COUNTER

H:\2004\2004057 also includes 056\WP\PARCEL E.doc



CURVE TABLE					
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'

ADD 2005 00034

RECEIVED
MAR 09 2005
PERMIT COUNTER

Applicant's Legal Checked by OMACOS

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 SOUTHEAST CORNER OF SECTION 4, TOWNSHIP 47 SOUTH, RANGE 25 EAST; THENCE SOUTH 88°14'22" WEST 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) AND THE POINT OF BEGINNING;

THENCE NORTH 06°41'21" WEST FOR 825.79 FEET ALONG SAID WESTERLY RIGHT-OF-WAY; THENCE SOUTH 88°14'22" WEST FOR 501.85 FEET ALONG THE SOUTHERLY LINE OF A ROAD RIGHT-OF-WAY (50.00 FEET FROM THE CENTERLINE) AS DESCRIBED IN OFFICIAL BOOK 1994 AT PAGE 267 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA TO AN INTERSECTION WITH A LINE PARALLEL WITH AND LYING 500.00 FEET WESTERLY OF (AS MEASURED PERPENDICULAR TO) THE AFOREMENTIONED WESTERLY RIGHT-OF-WAY LINE OF U.S. 41; THENCE SOUTH 06°41'21" EAST FOR 1,194.75 FEET ALONG SAID PARALLEL LINE AND A LINE COMMON WITH A TRACT OR PARCEL OF LAND AS DESCRIBED IN OFFICIAL RECORD BOOK 1775 AT PAGE 2025 OF SAID PUBLIC RECORDS; THENCE NORTH 83°18'39" EAST FOR 500.00 FEET; THENCE NORTH 06°41'21" WEST FOR 325.85 FEET ALONG THE AFOREMENTIONED 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 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 645.75 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 2025 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

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.

LEGAL DESCRIPTIONS WERE PROVIDED BY CLIENT.

ABSTRACT OF TITLE HAS NOT BEEN REVIEWED BY SURVEYOR.

STATE PLANE COORDINATES SHOWN HEREON REFER TO FLORIDA STATE PLANE WEST ZONE N.A.D. 83, 1990 ADJUSTMENT.

THIS PROPERTY WAS VACANT ON 05/02/04.

PROPERTY AREA: 24.769 ACRES, MORE OR LESS.

SECTION INFORMATION BASED ON THE INK ENGINEERING SURVEY DATED 10/23/02, REFERENCE FILE NUMBER 8708-F.

FLORIDA POWER AND LIGHT EASEMENT, BASED ON THE ABOVE INK ENGINEERING SURVEY DATED 10/23/02, AND AMBIGUOUSLY RECORDED IN OFFICIAL RECORDS BOOK 2743, PAGE 2467 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 THIS SKETCH OF THE HEREON DESCRIBED PROPERTY WAS SURVEYED UNDER MY DIRECTION ON 05/02/04. I FURTHER CERTIFY THAT THIS SURVEY MEETS THE MINIMUM TECHNICAL STANDARDS FOR LAND SURVEYING IN THE STATE OF FLORIDA PURSUANT TO CHAPTER 61G17-6, F.A.C.

HOLE MONTES, INC.
CERTIFICATE OF AUTHORIZATION LB #1772

BY Thomas W. Murphy
THOMAS W. MURPHY, P.S.M.

P.S.M. #5628
STATE OF FLORIDA

LEGEND

SIR	SET IRON ROD W/CAP LB 1772
FIR	FOUND IRON ROD
FCM	FOUND CONCRETE MONUMENT
WV	WATER VALVE
UTS	UNITED TELEPHONE SYSTEM BOX
WPP	WOODEN POWER POLE
CSW	CONCRETE SIDEWALK
UE	UTILITY EASEMENT

HOLE MONTES
ENGINEERS · PLANNERS · SURVEYORS

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

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

REVISION No.	DESCRIPTION	DATE
	REVISIONS	

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

ATTACHMENT F

Special Case Narrative

SPECIAL CASE FINDING NARRATIVE

Bohler Engineering, LLC, which hereby represents CFT NV Developments, LLC, respectfully requests a Special Case finding from the Village Council in accordance with Policy 6.1.2.8.

In our professional opinion, this project qualifies as an "infill development" based on the existing configuration of lots. Specifically, the existing Master Concept Plan bifurcates Tracts B and C via the 330' Minor Commercial Limit line. Based on the characteristics of our project area, 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 proposed zoning amendment will abide by Lee County Comp Plan as the proposed development will provide interconnectivity to the existing bank to the north and proposes a future connection to the south. The interconnectivity of the parcels will provide traffic dispersion, meeting the intent of Lee County Comp Plan. In addition, the existing community has commercial development to the north and the south is zoned for commercial use.

Furthermore, this request shall be specific to the southern portion of Lot B only. The future plans have been discussed with Marsh Landing HOA President, Connie Mansfield, and the community fully supports the intended uses for our future building. The Schedule of Uses has also been revised to include the below uses on the southern portion of Tract B (in addition to those uses currently allowed):

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

DELISI
Land Use Planning & Water Policy

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

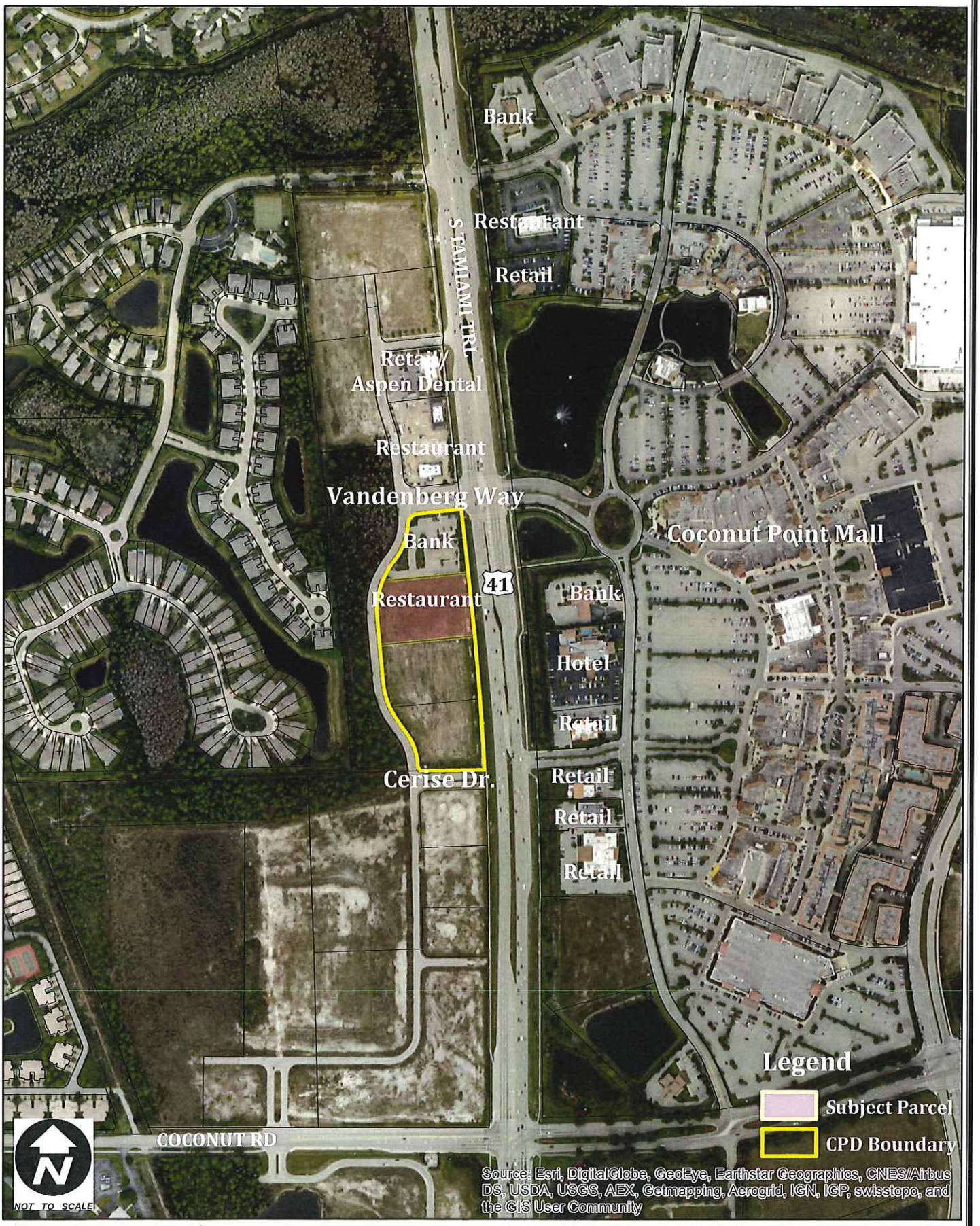
   The subject property directly fronts US 41 and has excellent access to allow for a distribution of trips in multiple directions. The property has access via a reverse frontage road along US 41, Lyden Drive, and traffic can either travel north to Vendenberg Way where there is a signalized intersection 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.



DELISI
Land Use Planning & Water Policy

Shoppes of Coconut Trace
Surrounding Uses

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