VILLAGE OF ESTERO
ZONING STAFF REPORT
FOR VILLAGE COUNCIL

CASE TYPE: PLANNED DEVELOPMENT/REZONING
CASE NAME: ESTERO WAS
CASE NUMBER: DCI2015-00016
PLANNING & ZONING BOARD DATE: DECEMBER 15, 2015
COUNCIL DATE: FEBRUARY 24, 2016 (first reading)
MARCH 9, 2016 (second reading)

REQUEST AND STAFF ANALYSIS

This is a request to rezone a 1.36 acre property on the west side of US 41, south of Pelican Sound Drive from a Mixed-Use Planned Development to Commercial Planned Development. The applicant desires to develop up to 15,000 square feet of commercial uses, including fast food. As part of the zoning, the applicant requests approval of a Master Concept Plan and one deviation. Should the Council decide to approve the application, staff recommends the specific conditions and deviation in Attachment A. The staff's analysis follows, along with a discussion of the positives and negatives of this project

APPLICATION SUMMARY

Applicant: Estero WAS Partners LP in reference to Estero WAS Minor CPD

Request: Rezone 1.36 acres from Mixed-Use Planned Development, MPD to Commercial Planned Development, CPD to allow development of up to 15,000 square feet of total floor area, including fast food.

Location: The subject property is located at 21700 S. Tamiami Trail, Village of Estero, FL. The applicant indicates the STRAP number is: 33-46-25-E3-28001.0000

FUTURE LAND USE CATEGORY

Suburban

PUBLIC INFORMATION MEETING

The public information meeting for this application was held at the Planning and Zoning Board on Tuesday, July 21, 2015. The applicant met with Pelican Sound residents on September 15, 2015. The Planning and Zoning Board heard this case on December 15, 2015.

PROJECT HISTORY

This 1.36 acre parcel was a part of the larger Camargo Trust MPD zoning granted in June, 1998 (Resolution Z-98-029). That approval granted a rezoning from the Agricultural District, AG-2 to Mixed-Use Planned Development, MPD. The approval allowed for the development of a maximum of 300,000 square feet of commercial uses. Of the 300,000 square feet, not more than

100,000 square feet could be retail commercial use which uses were also limited to a location south of Pelican Sound Drive. Certain uses were limited to specific parcels.

Subsequent Actions

- **ADD2003-00184** – Approval for a temporary real estate sales office.
- **Resolution Number Z-04-068** – The Master Concept Plan for a portion of the development was vacated when no development occurred. This action approved a new Master Concept Plan and development intensity for the lands south of Pelican Sound Drive, between US 41 and the Pelican Sound residential development. It was as part of this action that development intensity for the individual commercial parcels was established. The subject property was identified as Parcel 1 with a maximum intensity of 15,000 square feet of various commercial uses.
- **SEZ2005-00007** was approved in August, 2005 permitting an increase from 8 to 16 gas pumps for a convenience food and beverage store (Parcel 4 which has been built).
- **ADD2005-00157** was approved in December, 2015 allowing a setback variance from 15 feet to 5 feet.
- **Resolution Number Z-06-011** was approved in August 2006, adopting a new Master Concept Plan for a 10.95 acre portion of the development, located north of Pelican Sound Drive and West of US 41. This allowed development of 125,000 square feet of commercial, or 27 multiple family units and 100,000 square feet of commercial.
- **ADD2006-00224** amended the MPD to re-allocate open space and acreage within the commercial portion of the development. The parcel involved with the subject application for rezoning by Estero WAS was identified as parcel B-1 on the MCP for this amendment. This parcel was required to provide 0.43 of an acre of open space for the overall development.
- **ADD2007-00155** amended the MPD to add the use of Business Services, Group II to the Schedule of Uses for the planned development.
- **ADD2014-00147** amended the MPD to add the use of Animal Clinic to the Schedule of Uses.

SURROUNDING ZONING

North, South and West - Mixed Planned Development (MPD) zoning. This is the same zoning action as discussed above in the Zoning History. Developed to the west of this property is a commercial shopping center, and also the Meadows of Estero Condominiums.

East – East is US 41 and a Development of Regional Impact (DRI and MPD Zoning) for North Point. Currently, the property is vacant but the development is permitted up to 550,000 square feet of retail use; 120,000 square feet of office use; 150 hotel/motel rooms; and 150 residential units. There are current applications for amendments to the planned development and DRI.

PROJECT DESCRIPTION AND MASTER CONCEPT PLAN

The site plan depicts an area fronting on US 41 as the proposed building area. Total proposed floor area is 15,000 square feet, which could consist of one or multiple tenants. The maximum height is 45 feet. There is a proposed drive-thru area on the south side of this building with stacking for 10 cars. Off-street parking is shown behind (to the west) of the building.

The buffer along US 41 and Pelican Sound Drive consists of a 20 foot wide Type "D" buffer. The buffer on the west and south sides of the property is a 5 foot wide Type "A" buffer.

Access to the development is shown from the reverse frontage road and driveway connection to the parking lot to the south. There is no direct access to US 41 from this site.

The previously approved Schedule of Uses includes a variety of commercial uses, retail, restaurants, professional and medical offices, clubs, restaurants, personal services, health care facilities, rental and leasing services, and commercial schools. The proposed new Schedule of Uses includes these uses, and adds fast food restaurants and package stores to this parcel (Parcel 1).

There is one deviation requested to reduce the required parking by 5%.

STAFF ANALYSIS

The staff analysis section of this report includes information on various issues, such as compatibility, environmental issues, transportation impacts and Comprehensive Plan considerations (including Estero-specific policies).

When the Council evaluates a zoning case, it must review these issues and determine whether the project should be approved, approved with conditions, revised, continued for more information or denied. These issues must be evaluated in the context of the Comprehensive Plan and Land Development Code to arrive at an appropriate decision.

In order to assist the Council, staff has provided a summary of the project's advantages and disadvantages below. Following this section is more detail on each of the issues listed in the first paragraph above.

Summary of Project Advantages and Disadvantages

Advantages –

This project is a small outparcel in a commercial shopping plaza approved as part of a mixed-use development. Since the site has been previously cleared, there are no environmental issues.

Access is from Pelican Sound Boulevard or through the existing center. There is no direct access to US 41. This project would add trips to the road network but would not create any level of service or concurrency issues.

Water and sewer is available through Lee County Utilities.

The site plan shows a 5 foot existing sidewalk on the north side of the property and a vehicle interconnection to the adjacent commercial areas through the existing parking lot.

Disadvantages –

The list of uses is broad and includes fast food with drive thru and consumption on premises of alcoholic beverages, as well as adding package stores that were formerly allowed in the multiple occupancy complex only (not outparcels).

There is only one fast food restaurant nearby and approval of this request could encourage other similar requests along US 41.

The project is being rezoned from mixed-use to commercial which does not meet the intent of the Estero vision to encourage mixed-use centers.

The height of the project could be 45 feet, which would typically not be needed for fast food restaurants and would exceed the height of the shopping center (which was approved for 45 feet) of which this is a part.

The request for consumption of alcohol on premises outdoors is not specific. It is difficult to determine the impacts of the request without knowing the use, the hours of operation and alcohol service hours (See Planning and Zoning Board section for additional discussion).

Environmental Issues

The subject parcel is a previously cleared site, with no protected species found during an onsite inspection by Lee County staff on July 10, 2015.

The existing open space required for the MPD exceeds the amount required for the original acreage. The removal of the 1.36 acres of land will have no negative effect to the open space for the overall existing MPD.

The subject parcel being rezoned to CPD will be required to meet the Land Development Code (LDC) requirement of 20% open space for a small commercial project. The proposal meets this requirement.

The buffers are existing and meet the LDC. However, if a Fast Food Restaurant is developed or becomes a use on the site, then as required by LDC Section 34-1353 and within the Schedule of Uses, increased buffers will be required.

Transportation Issues

See attachment for complete report.

The 1.36-acre subject site is located on the west side of US 41/South Tamiami Trail between Williams Road and Pelican Sound Drive in the Village of Estero. Access to the site is shown indirectly to Pelican Sound Drive and US 41 via two internal connections to the Paradise Shoppes of Estero development which borders the site to the south and west.

An evaluation by Lee County staff shows that, based on the 2014 Lee County Concurrency Report, the section of US 41 adjacent to the site currently operates at Level of Service (LOS) "B". Utilizing the 2014 Lee County Traffic Count Report and a five-year project build-out of 2020, the background traffic volume on US 41 was estimated to be 2,651 peak hour, peak direction trips, corresponding to a LOS "B". Once the project build-out traffic was added to this roadway section, US 41 was estimated to operate at LOS "B". Based on the LOS Standards set forth in the Transitional Comprehensive Plan, LOS "B" is an acceptable Level of Service.

Neighborhood Compatibility Issues

The Comprehensive Plan contains the following policy:

POLICY 135.9.5: *New development adjacent to areas of established residential neighborhoods must be compatible with or improve the area's existing character. (Amended by Ordinance No. 00-22).*

The proposed commercial outparcel is part of the larger shopping center which is adjacent to the entrance to the Pelican Sound development, an established residential neighborhood. According to this policy, development should improve the area's existing character. The proposed rezoning to include fast food uses and drive-thru, with potential 45 foot height, would not necessarily improve the area's existing character. The only fast food restaurant in the vicinity is the Chick-fil-A restaurant further south.

To help address compatibility issues, staff has suggested some revisions to the applicant's proposed schedule of uses to eliminate some uses that may have been more appropriate for the larger shopping center but do not appear appropriate for this one-acre outparcel. Suggested uses for elimination include commercial and fraternal clubs, water retention excavation, food and beverage service, public parking garages, and rental car pickup and drop off businesses.

Additionally, the Planning and Zoning Board also recommended additional conditions to address their concerns.

Height

The Land Development Code section addresses maximum height in the Village of Estero:

Buildings outside of the Interstate Highway Interchange Areas are limited to a maximum of three stories or 45 feet, whichever is less, in height. Elements that enhance visibility, create focal points or amenities, such as turrets, sculpture, clock tower and corner accentuating rooflines, may exceed the maximum height limitations with an approved variance or deviation.

The applicant has requested a height of 45 feet, the previously approved height that applies to the commercial center. The shopping center has not built to this height, so it does not appear necessary to have a 45 foot limit for this outparcel. A lower limit such as 35 feet should accommodate the requested uses and square footage. However, should the property develop as office, the 45 foot height may be necessary.

Comprehensive Plan Considerations

The property is designated as Suburban on the Future Land Use Map of the Comprehensive Plan. The following policy describes this Future Land Use category.

> **POLICY 1.1.5:** *The Suburban areas are or will be predominantly residential areas that are either on the fringe of the Central Urban or Urban Community areas or in areas where it is appropriate to protect existing or emerging residential neighborhoods. These areas provide housing near the more urban areas but do not provide the full mix of land uses typical of urban areas. The standard residential densities are the same as the Urban Community category. Higher densities, commercial development greater than neighborhood centers, and industrial land uses are not permitted. Bonus densities are not allowed. (Amended by Ordinance No. 94-30)*

This project proposes 15,000 square feet of commercial use. It was part of a larger project which met the 100,000 square foot limitation (See Policy 6.1.2 for further discussion).

POLICY 6.1.1: *All applications for commercial development will be reviewed and evaluated as to:*

a. Traffic and access impacts (rezoning and development orders);
b. Landscaping and detailed site planning (development orders);
c. Screening and buffering (planned development rezoning and development orders);
d. Availability and adequacy of services and facilities (rezoning and development orders);
e. Impact on adjacent land uses and surrounding neighborhoods (rezoning);
f. Proximity to other similar centers (rezoning); and
g. Environmental considerations (rezoning and development orders).
(Amended by Ordinance No. 00-22)

This request includes the addition of Fast Food Restaurant use which was previously approved in the larger Mixed-Use Planned Development zoning but was limited to Parcel 2 and Parcel 5 which were internal to the subdivision. Parcel 5 has developed with a Chick-fil-A Restaurant.

The new request to add fast food would be on Parcel 1 which is located at the corner of Pelican Sound Drive and US 41, the entrance to the Pelican Sound residential community. This use was specifically excluded in the past on this parcel (in 2004 it was approved only for Parcel 2 or 5).

In 2009 the Land Development Code was amended to provide enhanced buffers for fast food restaurants and gas stations (Land Development Code Section 34-1353).

Because the buffer requirement is now stricter, the existing buffer would need to be supplemented if a fast food restaurant were located on the property. Some other uses that were previously approved on the larger parcel are now recommended for deletion by staff as they are not appropriate for this smaller 1 acre site (see neighborhood compatibility section). The applicant has requested the addition of a package store which previously was limited to the multiple occupancy complex only, not the outparcels.

Policy 6.1.2 of the comprehensive plan provides for the location criteria for commercial development. Resolution Number Z-04-068 (adopted on November 29, 2004) found the commercial uses and intensity of development proposed in the Camargo MPD between Pelican Sound Drive and Williams Road was consistent with the comprehensive plan and with the location standards in this Policy of the comprehensive plan. The proposal for 15,000 square feet of commercial use would be partially in addition to the 100,000 square foot limit. However, this parcel is at the intersection of Pelican Sound Drive and US 41 which would meet site location standards for neighborhood sites, allowing up to 30,000 square feet. The property is only requesting 15,000 square feet which would be consistent with this Policy.

Estero-Specific Goals and Policies

GOAL 19: ESTERO. *Promote the development of Estero as a community with a unique quality of life, distinct character, and diverse housing, economic, recreational, and social opportunities by: a. Protecting the natural resources, environment, and lifestyle; b. Establishing minimum aesthetic and design requirements; c. Managing the type, location, quality, design and intensity of future land uses; d. Providing greater opportunities for public participation in the land development approval process; and e. Promoting a true sense of place in Estero. (Added by Ordinance No. 14-16).*

OBJECTIVE 19.1: CHARACTER & LAND USE. *Promote community character through the implementation of planning and development practices that create a visually attractive community,*

and an enhanced quality of life, and foster a unique sense of place. (Added by Ordinance No. 14-16).

Estero has a vision to develop a community with a unique quality of life by promoting good planning principles consistent with Goal 19 and associated Objectives and Policies. This application proposes to utilize an outparcel of an existing shopping center but the exact use is unknown and may include a fast food drive-thru restaurant.

Objective 19.2: MIXED-USE CENTERS AND ECONOMIC AREAS. *Promote Estero's quality of life and diverse local economy by fostering the development of mixed-use centers and targeted economic areas, as a preference over the development of strip commercial centers. The aim of the mixed-use centers is to provide Estero with central gathering places for Estero's residents, business people, and visitors. The aim of the economic areas is to provide the community a diverse employment and economic base while meeting the commercial, professional, and service needs of the people who live, work, and play within the community.*

This is part of an existing commercial shopping center approved as part of a larger mixed-use project. Rezoning the outparcel to commercial from mixed-use does not advance this objective. However, the property will remain commercial, similar to the shopping plaza.

Policy 19.2.1: *Where feasible, provide for the development of walkable mixed-use town centers and economic areas featuring diverse housing options; government offices and public facilities; medical facilities; employment centers; public gathering places, parks, outdoor plazas, and other public spaces; greenway trails and pathways; and public access to the community's natural resources through Lee Plan policies and LDC regulations that support Estero's distinct community character and the following community priorities: Support the development of a central town center to unify the community; Improve the connectivity between Estero's residential neighborhoods, economic areas, civic uses, and park and recreational facilities; Diversify the community's economic base and employment opportunities; Encourage the development of targeted industry clusters-particularly health industries, professional services and businesses, and technology, research, and development; Expand multi-modal transportation options through improved pedestrian access, bikeways, transit service, and rail opportunities; Improve access to the community's cultural and historic resources; public spaces, parks and recreational facilities; and other community amenities; Commercial and mixed-use developments will maintain a unified and consistent aesthetic/visual quality in landscaping, architecture, lighting, and signage; and Promote and incentivize private investment within mixed-use centers and economic areas.*

The proposed development is for commercial uses that could include fast food and drive-thru which would not advance this policy. The site plan does show sidewalks.

Objective 19.4: TRANSPORTATION CONNECTIVITY AND MOBILITY. *Facilitate the development of an interconnected community that enables people to easily access Estero's neighborhoods, commercial and mixed-use centers as well as other areas within the county and region through an integrated transportation and mobility system.*

Policy 19.4.1: *Establish land development code standard that ensure the development of a well-connected transportation system that includes pedestrian pathways, bikeways, transit, and roadways. These standards should: Require, where feasible, interconnects with adjacent uses; To the extent feasible, minimize access points onto primary road corridors by providing multiple access to adjacent properties; Link neighborhoods, commercial and mixed-use centers, public facilities, and parks; and Enable multi-modal transportation access (pedestrian, bike, vehicular,*

and transit) within and between the different neighborhoods, economic and employment centers, civic uses, and public space, park, and recreational facilities within the Estero Community.

Policy 19.2.6: *Encourage commercial developments within the Estero Planning Community to provide interconnect opportunities with adjacent commercial uses in order to minimize access points onto primary road corridors; and residential developments to provide interconnect opportunities with commercial areas; including, but not limited to, bike paths and pedestrian accessways.*

The proposed development proposes interconnectivity to the commercial center and Pelican Sound Drive. There is an existing sidewalk on the north side of the property.

Master Concept Plan and Deviation

The Master Concept Plan is attached and is incorporated as part of the Commercial Planned Development, if approved. There is one deviation request.

There is one deviation for a 5% reduction in the required off-street parking requirements based on the location of the property and the bicycle and pedestrian facilities identified on the Bikeways/Walkways Facility Plan, Map 3D of the Village's Transitional Comprehensive Plan. LDC Section 34-2020(c) provides that a parking reduction may be administratively approved if one or more of the listed conditions are met. LDC Section 34-2020(c)(3) is one condition that states:

> (3) *Bicycle and pedestrian facilities and amenities.* The minimum required parking for a use may be reduced by five percent if bicycle and pedestrian facilities, identified on the Bikeways/Walkways Facility Plan - Planned Facilities and Existing Facilities, Map 3D-1 or Map 3D-2 of the Lee Plan, are located in the right-of-way adjacent to the property or on the property; a continuous bicycle path and pedestrian accommodations, consistent with section 10-610, are provided internal to the project from the bicycle/pedestrian facility to the primary entrance of the building; and, bicycle racks are provided on-site consistent with section 10-610(e)(3).

This request should be handled at the time of local development order approval, when the uses that may occupy the site will be known, the number of parking spaces to be provided will be calculated and the 5% reduction can be determined. Although fronting on US 41 where a facility is shown, the MCP does not show the required bicycle path and pedestrian accommodation to the primary entrance of the building or that bicycle racks will be provided on-site. Since this is a planned development zoning with a conceptual Master Concept Plan, the applicant should wait until it pursues the local development order application in order to demonstrate compliance with the Code to receive this reduction. The Design Review Board will review this development order application and could allow for the reduction at that time. (The Planning and Zoning Board recommended approval of this deviation with a condition.)

Planning and Zoning Board Meeting Summary

The Planning and Zoning Board met on December 15, 2015 to review this project. At the hearing, there was an applicant presentation and discussion. There was no public input. After discussion, the PZB recommended approval with several conditions, in addition to those proposed by staff. The minutes are attached for further detail.

In general, the Planning and Zoning Board was concerned with the drive-thru, the mixed planned development being converted to a commercial planned development, the square footage, unified control, and the actual size and height of the building.

In response to the issues and general discussion at the meeting, staff has made revisions to the proposed conditions if the Council wishes to approve the project.

Proposed new conditions include:

- The construction trailer for the temporary contractor's office must be located on the west portion of the site
- Outdoor seating would be in conjunction with a Group III restaurant
- Fast food restaurant is limited to "in line" only (no drive-thru)
- Consumption on premises is allowed for a Group III restaurant. Outdoor seating and service of alcohol is limited as follows: a) the outdoor seating will not face US 41; b) the consumption on premises for the outdoor seating will be limited to the hours of 11 a.m. to 12 a.m. (midnight); and c) there will be no live amplified music located outdoors in conjunction with the consumption on premises.
- Approval of the parking deviation is subject to the Design Review Board approving the connections, location and bike rack location.

Findings and Conclusions

The Council will need to make a decision on this case based on the application's compliance with the Comprehensive Plan and the Land Development Code. Any decision should contain Findings of Fact.

Based upon an analysis of the application and the standards for approval of planned development rezonings contained in the Land Development Code, staff has suggested some Findings of Fact for review should the Council desire to approve the project. The Council can modify those, or provide its own findings to support its decision, based on the substantial competent evidence in the record.

1. The applicant has justification for the rezoning to Commercial Planned Development (CPD) by demonstrating compliance with the Comprehensive Plan, the Land Development Code, and other applicable codes and regulations, as conditioned.

2. The requested zoning to Commercial Planned Development (CPD), as conditioned:

    a. Meets 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 Comprehensive Plan; and
    c. Is compatible with existing or planned uses in the surrounding area, as conditioned; and
    d. The request will not adversely affect environmentally critical areas or natural resources.

3. Although as conditioned, there will be additional trips generated by the development, approval of the request will not place an undue burden upon existing transportation or planned infrastructure facilities and the site will be served by streets with the capacity to carry traffic generated by the development.

4. Urban services, as defined in the Comprehensive Plan will be available and adequate to serve the proposed land use.

5. The proposed use or mix of uses, as conditioned, is appropriate at the subject location.

6. The recommended conditions to the concept plan and other applicable regulations provide sufficient safeguards to the public interest.

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

8. The deviation, as conditioned, will preserve and promote the general intent of the LDC to protect the public health, safety and welfare.

ATTACHMENTS:

A. Recommended Conditions and Deviation
B. Maps: surrounding zoning, future land use and aerial photograph
C. Master Concept Plan
D. Minutes from Planning and Zoning Board Meetings of December 15 and July 21, 2015
E. Environmental Comments
F. Transportation Comments
G. Letter from Lee County Utilities
H. Legal Description

ATTACHMENT A:

Conditions:

1. Master Concept Plan/Development Parameters
   The development of this project must be consistent with the one page Master Concept Plan entitled "Estero WAS Minor CPD," stamped received August 18, 2015, except as modified by the conditions below.

   The development is limited to a maximum of 15,000 square feet of total floor area.

   This development must comply with all requirements of the Land Development Code (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 pursed, appropriate approvals will be necessary.

2. Uses and Site Development Regulations
   The following limits apply to the project and uses:

   a. Schedule of Uses
      The approved Schedule of Uses for this planning development is found in Exhibit A

   b. Site Development Regulations
      The approved Property Development Regulations are found in Exhibit B.

3. Open Space
   As committed to on the Master Concept Plan, the minimum required open space is 0.27 acres.

4. Buffer
   If a fast food restaurant is constructed, the existing buffer will need to be enhanced to meet the standards of LDC Section 34-1353.

5. Vehicular/Pedestrian Impacts
   Approval of this zoning request does not address mitigation of the project's vehicular or pedestrian traffic impacts. Additional conditions consistent with the LDC may be required to obtain a local development order.

6. Comprehensive Plan Consistency
   Approval of this zoning request does not guarantee local development order approval. Future development order approvals must satisfy any requirements of the Comprehensive 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 Comprehensive Plan provisions.

7. Concurrency

Approval of this rezoning does not constitute a finding that the proposed project meets the concurrency requirements set forth in LDC Chapter 2 and the Comprehensive Plan. The developer is required to demonstrate compliance with all concurrency requirements prior to issuance of a local development order.

8. Solid Waste Management
As part of any local development order approval for vertical development, the development order plans must include facilities in compliance with LDC Section 10-261 and Solid Waste Ordinance #11-27 for the pick-up/disposal of solid waste and recyclables. The minimum area required for, and specific locations of, these facilities will be reviewed at the time of local development order application.

9. Direct Access
No direct access is allowed to US 41.

10. Sidewalks and Interconnections
Sidewalks and pedestrian interconnections will be constructed at the time of the Development Order.

11. Construction Trailer
The temporary construction trailer must obtain a permit and must be located on the western portion of the site.

12. Fast Food Restaurant
The fast food restaurant is limited to "in line" only (no drive-thru allowed).

13. Outdoor Seating
Outdoor seating is limited to seating in conjunction with a Group III restaurant.

14. Alcohol Consumption
Consumption on premises is allowed for a Group III restaurant. Outdoor seating and service of alcohol is limited as follows: a) the outdoor seating will not face US 41; b) the consumption on premises for the outdoor seating will be limited to the hours of 11 a.m. to 12 a.m. (midnight); and c) there will be no live amplified music located outdoors in conjunction with the consumption on premises.

15. Deviation
The deviation from Section 34-2020(b) parking requirements for non-residential uses to allow a 5% reduction to required parking spaces based on the provision of a continuous path for bicycle and pedestrian facilities identified on the Bikeways/Walkways Facility Plan is approved, subject to the Design Review Board approving the connections, location and bike rack location at the time of the Development Order.

EXHIBITS:
A. Schedule of Uses
B. Property Development Regulations

EXHIBIT A:

Schedule of Uses

Accessory Uses and Structures (See Note 1 below)
Administrative Offices
Animals: Clinic (with outdoor pens/kennels, enclosures, and dog runs prohibited)
ATM (automatic teller machine)
Auto Parts Store – without installation facilities
Banks and Financial Establishments: Groups I and II
Boat Parts Store, without installation
Broadcast Studios
Business Services, Group I
Clothing Stores, general
~~Clubs:~~
~~Commercial~~
~~Fraternal, membership organization~~
~~Private~~
Computer and Data Processing Services
Consumption on Premises (LDC Section 34-1261 et seq.) ~~Indoor only~~ (in conjunction with Group III restaurants) as further limited by zoning conditions
Cultural Facilities
Day Care Center, Child, Adult
~~Drive-through Facility for any Permitted Use~~
~~Entrance Gates and Gatehouse~~
Essential Services
Essential Service Facilities, Group I
~~Excavation: Water retention~~
~~Fences, Walls~~
~~Food and Beverage Service, Limited~~
Food Stores: Group I
Hardware store (limited to a maximum of 10,000 square feet)
Health Care Facilities: Groups I, II and III
Hobby, Toy and Game Store
Household and Office Furnishings, Groups I and II (Household use as limited by the LDC and Office use is limited to businesses like Kinko's, Office Depot, Office Max or other like business. Large newspaper printing facilities are prohibited.)
Insurance Companies
Laundry or Dry Cleaning: Group I
Lawn and Garden Supply Stores
Library
Medical Office
Nonstore Retailers, all groups
Package Store ~~(In conjunction with a multiple-use occupancy complex only; free-standing stores are prohibited)~~
Paint, Glass and Wallpaper
Parks: Groups I and II
Parking Lot: Accessory (see Note 1 below)

~~Garage, public parking~~
~~Temporary~~

Personal Services:
- Group I, limited to - ATM's
  - Barbershops and Beauty Shop
  - Clothing Alterations and Repair including Dressmakers, Seamstresses and Tailors
  - Laundry Agents (wherein the establishment may do its own Pressing and finish work but not the laundering or dry Cleaning which is performed elsewhere)
  - Photo Agents (wherein drop-off and pickup film services are provided but the actual processing and developing is done elsewhere)
  - Shoe Repair Services (wherein shoe repair or shoe shining for Individual customers is performed)
- Group II, limited to - Beauty spas
  - Health clubs or spas
  - Reducing or slenderizing salons
  - Steam or Turkish baths
- Group III, limited to - Artificial limbs
  - Crutches
  - Hearing aids
  - Hospital beds
  - Optical supplies
  - Orthopedic supplies
  - Wheelchairs

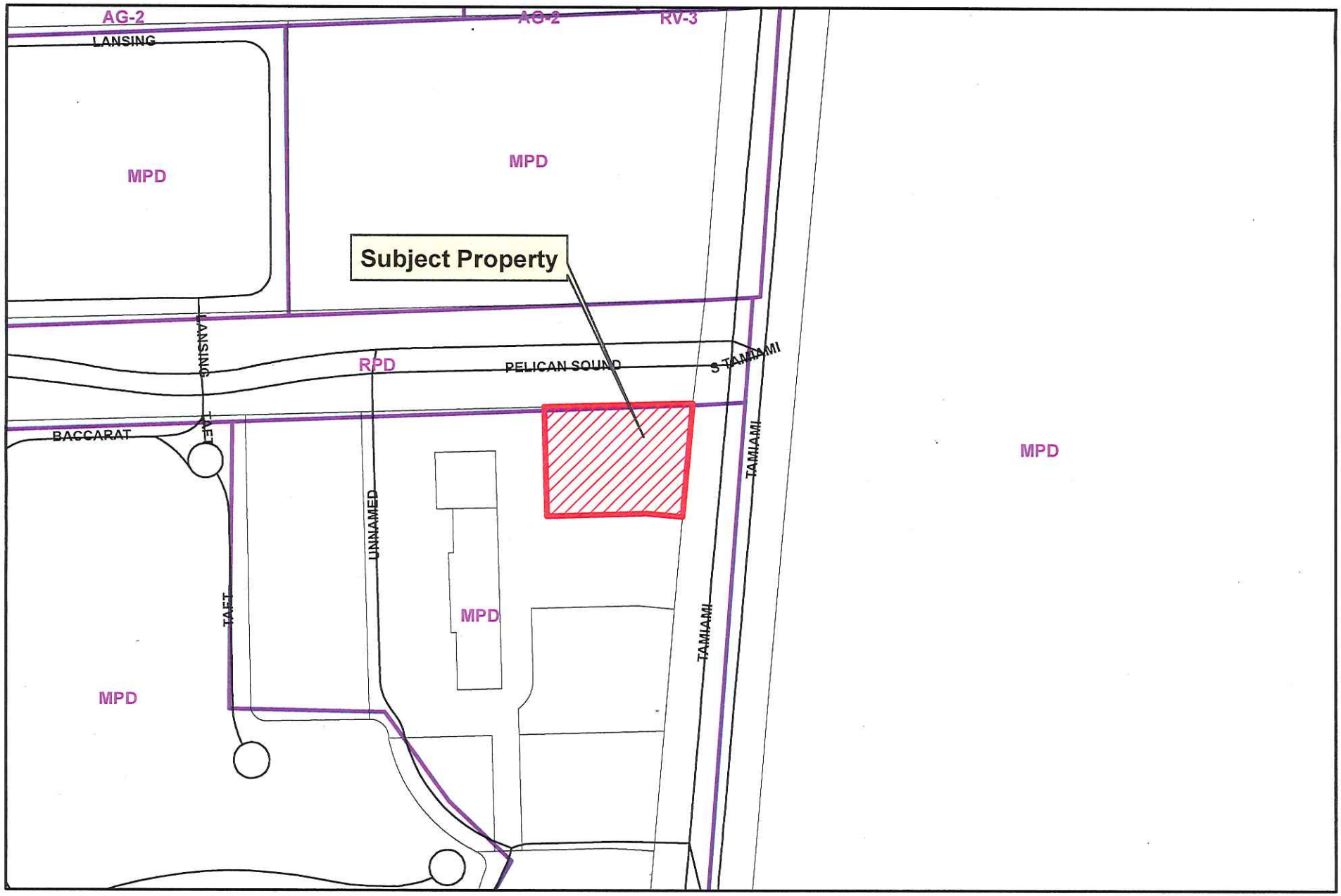
Pet Services (outdoor pens, enclosures, and dog runs are prohibited)
Pet Shop (outdoor pens, enclosures, and dog runs are prohibited)
Pharmacy
Post Office
Real Estate Sales Office
Recreational Facilities: Commercial: ~~Groups II and IV~~ Health Club only
Religious Facilities
Rental or Leasing Establishment (All storage must be indoor and outdoor display is prohibited):
- Group I, limited to - Beach chairs, umbrellas, and similar facilities
  - Bicycles
  - ~~Moped and scooters~~
  - ~~Passenger car pickup and drop off (no maintenance or repairs and limited storage)~~
- Group II, limited to - Appliances
  - Bicycles
  - Costumes
  - Furniture
  - Garden equipment
  - Movies, videotapes and similar home entertainment

Party and banquet supplies
Tools and equipment primarily for home use
Repair Shops: Groups I and II
Research and Development Laboratories: Groups II and IV
Restaurant, Fast Food (subject to LDC Section 34-1353 if stand alone)
Restaurants: Groups I, II and III
Schools: Commercial
Signs in accordance with LDC Chapter 30 and 33
Social Services: Group I
Specialty Retail Shops: Groups I, II, III and IV (no outdoor storage or display permitted)
Studios
Temporary Uses (limited solely to temporary contractor's office and storage shed)
Used Merchandise Stores: Groups I and II
Variety Store
Wholesale Establishments: Group III

Note 1: All accessory uses, including accessory parking, must be located on the same tract, parcel, outparcel, or lot where a principal use is located. Accessory uses must be incidental and subordinate to the principal use of the tract, parcel, outparcel, or lot.

DCI2015-00016

ZONING MAP



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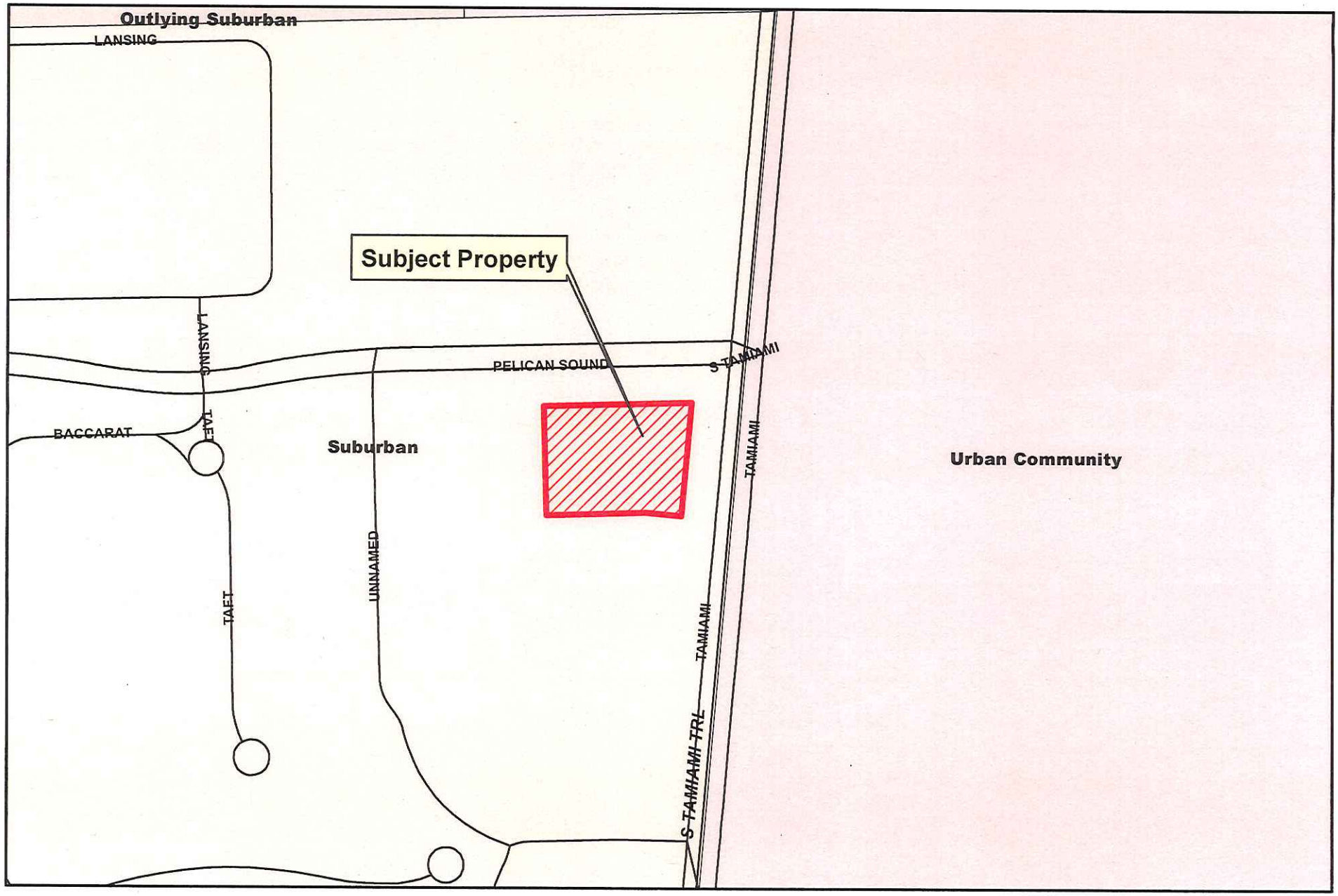
ATTACHMENT B

0 250 500 Feet

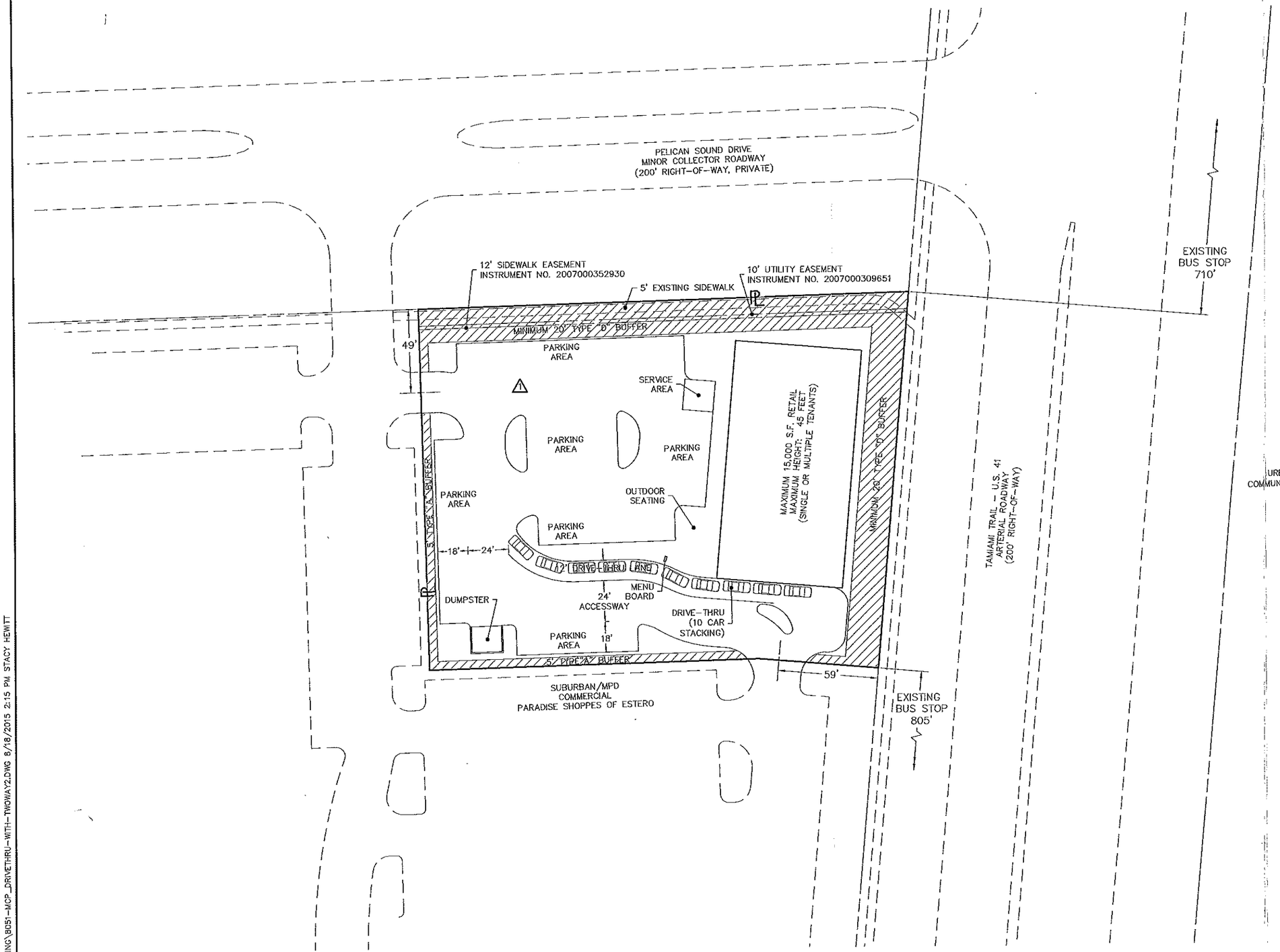
DCI2015-00016

Future Land Use Map



DCI2015-00016

2015 Aerial Map



N

0 60 120

GRAPHIC SCALE 1"= 60'

LEGEND:

▨ = BUFFER

⚠ DEVIATION FOR 5% PARKING REDUCTION PURSUANT TO LDC SECTION 34-2020(c)(3)

NOTES:

1. LEE TRAN ROUTES 240 AND 140 RUN ALONG THE EAST PROPERTY LINE OF THE PROJECT ALONG U.S. 41. THERE ARE EXISTING BUS STOPS WITHIN ¼ MILE THAT ARE ACCESSIBLE VIA EXISTING PAVED ROADWAYS AND WALKWAYS.
2. INTERNAL SIDEWALK CONNECTIONS WILL BE PROVIDED AT THE TIME OF DEVELOPMENT ORDER APPROVAL.
3. LOCATION OF SERVICE AREA IS APPROXIMATE. FINAL LOCATION WILL BE IN COMPLIANCE WITH LDC SECTION 33-115 AND DETERMINED AT TIME OF DEVELOPMENT ORDER APPROVAL.
4. LOCATION OF OUTDOOR SEATING AREA IS APPROXIMATE. FINAL LOCATION WILL BE DETERMINED AT TIME OF DEVELOPMENT ORDER APPROVAL. THE ENTIRE SITE IS NOT WITHIN 500 FEET OF A RELIGIOUS FACILITY, SCHOOL (NONCOMMERCIAL), DAY CARE CENTER (CHILD), PARK OR DWELLING UNIT UNDER SEPARATE OWNERSHIP.

OPEN SPACE TABLE:

SITE AREA = 1.36± AC.
OPEN SPACE REQUIRED: 20% x 1.36 = 0.27 ACRE
OPEN SPACE PROVIDED:
TOTAL OPEN SPACE PROVIDED: MINIMUM 0.27 ACRE

DCI 2015-00016

RECEIVED
AUG 18 2015
COMMUNITY DEVELOPMENT

ATTACHMENT C

PREPARED FOR:

ESTERO WAS PARTNERS LP
15970 TRIPLE CROWN CT.
FORT MYERS, FL 33912

1	08/18/2015	SUFFICIENCY COMMENTS SDJ

BANKS ENGINEERING
Professional Engineers, Planners, & Land Surveyors
Serving The State Of Florida
10511 SIX MILE CYPRESS PARKWAY
FORT MYERS, FLORIDA 33966
PHONE: (239) 939-5490 FAX: (239) 939-2523
ENGINEERING LICENSE # EB 6469
SURVEY LICENSE # LB 6690
WWW.BANKSENG.COM

MASTER CONCEPT PLAN

ESTERO WAS MINOR CPD

VILLAGE OF ESTERO, LEE COUNTY, FLORIDA

DATE	PROJECT	DRAWING	DESIGN	DRAWN	CHECKED	SCALE	SHEET
6/12/2015	8051	_MCP	SDJ	SDJ	SEH	1"=60'	1

P:\JOBS\80XX\8051\ZONING\8051-MCP_DRIVETHRU-WITH-TWOWAY2.DWG 8/18/2015 2:15 PM STACY HEWITT

VILLAGE OF ESTERO PLANNING AND ZONING BOARD
MEETING OF JULY 21, 2015

The Village of Estero Planning and Zoning Board meeting was held on this date at the Estero Fire Rescue District Meeting Room, 21500 Three Oaks Parkway, Estero, Florida.

Present: Chairman Roger Strelow, and Board Members Ryan Binkowski, David Crawford, Ned Dewhirst, Jeff Maas, Marlene Ann Naratil, and Scotty Wood.

Also present: Nancy Stroud, Esq., Community Development Director Mary Gibbs, and Village Clerk Kathy Hall.

1. CALL TO ORDER

Chairman Strelow called the meeting to order at 5:30 p.m.

2. PLEDGE OF ALLEGIANCE

Chairman Strelow led the Pledge of Allegiance.

3. ROLL CALL

Village Clerk Kathy Hall called the roll; all members were present.

4. APPROVAL OF AGENDA

Board Member Crawford moved approval of the agenda, seconded by Board Member Binkowski, called and carried unanimously.

5. BOARD BUSINESS

(A) Approval of June 16, 2015 Meeting Minutes

Board Member Naratil moved approval of the June 26, 2015 minutes as presented, seconded by Board Member Binkowski, called and carried unanimously.

6. ACTION ITEMS

Audience members wishing to provide testimony regarding the action items were sworn in by the Village Clerk.

(A) Corkscrew Village Commercial Planned Development – US 41 and Corkscrew Road (District 5) - ADD2015-00088 Amendment for proposed Publix Liquor Store

Chairman Strelow asked the Board Members to disclose ex parte contacts or conflicts of interest and there were none.

Derek Rooney, Attorney, GrayRobinson, P.A., explained that the applicant was seeking two administrative amendments to the Corkscrew Village CPD: adding the use of package store to the schedule of uses and adding a deviation from LDC Section 34-1263(e), to reduce the separation of 500 feet between a package store or other establishment primarily engaged in the retail sale of liquor for off-site consumption and a religious facility, to 371.85 feet. Mr. Rooney stated that the entrance to the proposed location of the package store and the closest property line of the Happehatchee Center, designated as a religious facility by a county zoning letter, was

371.85 feet. He indicated that the store hours would be 10:00 a.m. to 9:00 p.m. Monday through Saturday and 10:00 a.m. to 8:00 p.m. Sunday.

Board Member Naratil noted that, upon a site visit, it appeared that the Happehatchee Center was much greater than 500 feet from the proposed package store. Brief discussion followed.

Chairman Strelow called for public comment and no one came forward.

Community Development Director Mary Gibbs added that when the application initially came in, it was just for the package store; however, in reviewing the 500 foot requirement and the County zoning verification letter regarding the Happehatchee Center, the deviation was added to the application even though there was a separation by Corkscrew Road. Brief discussion ensued.

Board Member Crawford moved approval of Resolution No. PZB 2015-03 with conditions, seconded by Board Member Binkowski, called and carried unanimously.

(B) Legacy Church – Corkscrew Road (District 4) - ADD2015-00098 Minor Administrative Amendment to add Place of Worship to approved commercial uses in existing commercial office park

Stacy Ellis Hewitt, Banks Engineering, explained that the applicant was seeking an administrative amendment to a CPD to add the use of Place of Worship. She noted that, due to parking discussions at the June 30, 2015 Public Information Workshop, they were in agreement with a condition that no worship services may be scheduled between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday.

Community Development Director Mary Gibbs added that due to the questions that came up, she wanted to make certain that the parking calculations were correct and there was sufficient parking, and even with the church use, the parking calculation was adequate.

Board Member Naratil noted that there was a Legacy Church set up in a shopping center on Estero Parkway across from the new Walmart and inquired whether they were going to keep both facilities. Pastor Nolen Rollins responded the church was moving to the new location.

Chairman Strelow asked the Board Members to disclose ex parte contacts or conflicts of interest and there were none.

Chairman Strelow called for public comment and no one came forward.

Board Member Wood moved approval of Resolution No. PZB 2015-04 with conditions, seconded by Board Member Naratil, called and carried unanimously.

7. PUBLIC INFORMATION MEETINGS

(A) Estero United Methodist – US 41 at Lords Way Street (District 4) - Seasonal Farmers Market on Saturdays from November 7, 2015 through April 30, 2016 – TMP2015-00197

Dennis Strausbaugh, SW Florida Markets, LLC, explained that the application was for a farmer's market on the Estero United Methodist property to be held on Saturdays from 8:00 a.m. until 1:00 p.m., November 7, 2015 through April 30, 2015. Mr. Strausbaugh noted that he held farmer's markets at this site last year.

Board Members Maas, Naratil, Wood and Binkowski made inquiries and Mr. Strausbaugh provided responses regarding temporary toilet facilities; cleanup responsibilities; types of vendors participating; insurance coverage; and live music.

Chairman Strelow called for public comment and no one came forward.

Community Development Mary Gibbs added that this was the first temporary permit submitted to the Village and was something that was handled administratively by the County. She stated that information was included in the packet regarding the rules for temporary farmers markets and noted that the Fire Department had to review these types of permits. Ms. Gibbs also noted that banner and pennant flags were not allowed in Estero. Mr. Strausbaugh added that during their season, they would have a number of inspections.

(B) Stanley Thrasher – 8601 Judeth Lane (District 4) - Variances for single family home

Community Development Director Mary Gibbs described the property location and size (less than 7,000 sq. ft.) and noted that the area was zoned Agricultural; the lot did not meet the size needed for agriculture use. She continued that Mr. Thrasher also had to file for, and was approved for, a minimum use determination; if the lot was created before the rules were in place, the property owner would be entitled to build one single-family residence. Ms. Gibbs explained that Mr. Thrasher needed a variance for the roadway; the Estero Fire Rescue issued a letter with no objection, with two conditions.

Stanley Thrasher explained that the lot was non-conforming and was asking for a setback variance from 20 feet to 10 feet, as he was trying to preserve a tree on the lot. Mr. Thrasher offered to distribute some photographs of the lot; however, it was decided that it would be best if Mr. Thrasher brought them back to the meeting where the application would be on the agenda for Board approval.

Board Member Binkowski mentioned that he had driven by the property and suggested that it would be useful for other Board Members to do so as well.

Chairman Strelow called for public comment and no one came forward.

Discussion ensued regarding the property and Mr. Thrasher's plans to construct a 1420 sq ft. residence.

(C) Volunteers of America – NE Corner of Corkscrew Road and Sandy Lane (District 4) - Rezone 21 acres from Commercial to Residential Planned Development for Continuing Care Facility with 330 beds – DCI2015-00013

Bob Mulhere, Planning Director, Hole Montes, Inc., Consulting Firm, described the property location, which was currently zoned CPD and proposed to be changed to RPD to allow for a Continuing Care Retirement Community (CCRC).

Kevin Ahmadi, Director of Operations, Volunteers of America SW Florida, provided information regarding the organization and partnering with Greystone. He also spoke to Gulf Coast Village as well as the Estero business model.

Bob Mulhere referred to the project location and noted that there was a total of 143,000 sq. ft. approved with approximately 41,500 sq. ft. already built. He spoke to the density and noted that, under the proposal, they would be converting the undeveloped portion to a 340 bed CCRC along with accessory commercial uses, ancillary medical offices, health care facilities and recreational facilities. Mr. Mulhere addressed the traffic analysis and stated that 5-foot sidewalks would be provided along Sandy Lane and Corkscrew Road, along with pedestrian improvements throughout the site to Corkscrew Road. He also addressed six requested deviations.

Bill Prysi, Landscape Architect, spoke to the "Old Florida" Design architecture to provide an idea of the design style intended for the project. He stated that this would be a two phase project and landscaping would be designed conducive to the style of architecture, with sensitivity to the importance of buffering.

Kevin Ahmadi stated that they had reached out to the association throughout the process; three meetings were held; it was his understanding that they have some very good support for the project.

Board Members Wood, Maas, Naratil, Crawford and Binkowski made inquiries and the representatives provided responses regarding stormwater retention; building height; buffering between Corkscrew Road and internal roadways; sales of the units; water and sanitary sewer; covered parking; and security

Public Comment:

Patty Whitehead, Old Estero resident, inquired about old Oak trees on the property.

Staff and Board Member questions and responses from representatives followed regarding interconnection to Sandy Lane, deviations; encouragement for compact, walkable, transit supported mixed use development; residential use of the commercial amenities; and project time frame.

(D) Estero WAS – US 41 at Pelican Sound Drive (District 2) - Rezone 1.36 acres from Mixed Use Planned Development to Commercial Planned Development to allow 15,000 sq. ft. of retail use – DCI2015-00016

Neale Montgomery, Attorney, Pavese Law Firm, stated that the 1.36 acres was located at the corner of US 41 and Pelican Sound Drive; the request was to rezone from Mixed Use Planned Development (MPD) to Commercial Planned Development (CPD); many of the outparcels were

already developed; the residential portions were developed; and the water management system and landscape buffers were in.

Matt Noble, Planner, spoke to the existing buffers along US 41 and Pelican Sound. He stated the reason for the request to rezone from MPD to CPD was to allow 15,000 sq. ft. of commercial use; the ownership was fractured; the development schedule planned for the site could not meet the MPD threshold, and it was a commercial retail outparcel. He also stated that emphasis was to provide neighborhood retail uses that would be supported by the residents in the area. Mr. Noble referred to the proposed master concept plan and indicated that building was planned to be placed as close to the right-of-way as possible. He stated that the site plan utilizes the existing stub outs in the shopping center, and made the following points: the project would integrate with existing pedestrian and bicycle facilities; the site was deemed consistent with Estero Village Plan since 1998 and remained consistent; the site was one of the very last outparcels; they would like to reduce the parking by 5%, which was allowed in an administrative deviation, by increasing the provision of bicycle facilities; connection into surface water management system that would drain to back of property that was connected to a large stormwater detention area; and there were large distances to residential.

Ted Treesh, President, TR Transportation Consultants, Inc., spoke regarding the traffic analysis and indicated that US 41 was projected to operate at Level of Service "C" in 2020 with and without the project traffic. He stated that the access to the CPD was already set up; the intersection of US 41 and Pelican Sound was unsignalized, there was not enough traffic currently to warrant a signal; however, it has been continuously looked at for a signal. He further described access and stated that access to the center and turn lanes have been installed; no further improvements were anticipated.

Matt Noble stated that the site was allocated for 15,000 sq. ft. of commercial use in the past; however, time had passed and there had been continuing development at the site. He added that there currently was not enough retail space to accommodate the full utilization of the site and the intention was to accommodate some neighborhood-serving retail uses.

Chairman Strelow called for public comment and no one came forward.

Board Members Wood, Maas, Naratil and Binkowski, and Community Development Director Gibbs made inquiries and Mr. Noble and Ms. Montgomery provided responses regarding building height; rental rates; drive thru; schedule of uses; open space; and architectural style.

8. PUBLIC INPUT OF NON-AGENDA ITEMS

None.

9. BOARD COMMUNICATIONS / FUTURE AGENDA ITEMS

Chairman Strelow noted that the next meeting would be held on August 18 for a presentation from Consultant Bill Spikowski; meeting location to be determined. He reminded the Board Members that they could not write or talk among themselves and to contact the Community Development Director if they had questions. He noted that discussions were underway among Councilmembers and Village staff regarding possible educational sessions consistent with the Sunshine Law on pertinent issues related to comprehensive planning, zoning, etc.

10. ADJOURN

Board Member Crawford moved to adjourn, seconded by Board Member Wood, called and carried unanimously. Chairman Strelow adjourned the meeting at 7:16 p.m.

Respectfully submitted,

Kathy Hall

Kathy Hall, MMC
Village Clerk

Minutes approved as presented: September 22, 2015

VILLAGE OF ESTERO PLANNING AND ZONING BOARD
MEETING OF DECEMBER 15, 2015

The Village of Estero Planning and Zoning Board meeting was held on this date at the Estero Fire Rescue District Meeting Room, 21500 Three Oaks Parkway, Estero, Florida.

Present: Chairman Roger Strelow, and Board Members Ryan Binkowski, David Crawford, Ned Dewhirst, Jeff Maas, Marlene Ann Naratil, and Scotty Wood.

Also present: Village Attorney Burt Saunders, Community Development Director Mary Gibbs, and Village Clerk Kathy Hall.

1. CALL TO ORDER

Chairman Strelow called the meeting to order at 5:30 p.m.

2. PLEDGE OF ALLEGIANCE

Chairman Strelow led the Pledge of Allegiance.

3. ROLL CALL

Village Clerk Kathy Hall called the roll; all members were present.

4. APPROVAL OF AGENDA

Board Member Maas moved approval of the agenda, seconded by Board Member Naratil, called and carried unanimously.

5. BUSINESS

(a) Approval of Minutes

(1) November 17, 2015

Board Member Dewhirst moved approval of the November 17, 2015 minutes, seconded by Board Member Crawford, called and carried unanimously.

(b) Consent Agenda

None.

(c) Unfinished Business

None.

Chairman Strelow provided information regarding Board business. All audience members and staff providing testimony were sworn in by Village Clerk Kathy Hall. Chairman Strelow called for Board Member conflicts of interest and ex parte communications. There were no conflicts of interest or ex parte communications noted.

(d) Public Hearings – Zoning Cases

(1) Pinot's Palette – ADD 2015-E001 (District 6)
Request to amend the Schedule of Permitted Uses for the Coconut Point Mixed Planned Development (MPD), to add art studios with consumption on premises for a "Paint and Sip' business.

Community Development Director Gibbs provided a brief explanation.

Matt Uhle stated that the staff report was clear and they had no issues. He stated that this was not considered a bar for a number of reasons and explained the definitions of a bar listed in chapter 34 of the Land Development Code. He noted that the only alcoholic beverages would be beer and wine, sold only to those painting and not to the general public.

Chairman Strelow offered further explanation regarding limiting bar locations and that no hard liquor would be sold at the proposed location. Community Development Director Gibbs explained that the distinction was not the selling of hard liquor but that this location concentrated on artwork and was the reasoning of the staff for not considering this to be a bar.

Board Member Maas inquired regarding the type of license they have to sell only beer and wine. Mr. Uhle explained it would be a standard license, not that of a restaurant. Community Development Director Gibbs responded the license was called a "2COP". Board Member Naratil inquired regarding the classes for children and whether the classes would be held at different times when no alcohol would be sold. Mr. Uhle responded that he did not have that answer.

Chairman Strelow called for public comment and no one came forward.

Board Member Crawford moved approval of Resolution No. PZB 2015-10, seconded by Board Member Maas, called and carried unanimously.

(2) Estero Lockup - ADD 2015-E002 (District 2)
Request for a deviation to remove the 8-foot wall requirement for the Lockup Storage project located at 22776 South Tamiami Trail (US 41), south of Fountain Lakes Boulevard and west of US 41.

Community Development Department Director Mary Gibbs provided a brief review.

Elizabeth Fountain, JR Evans Engineering, through a PowerPoint Presentation, provided the following information: project description; new plan inclusions and other revisions; deviation request to remove the wall requirement which was along the western boundary of the project; justification for the deviation was the new masonry building replacing the wall; an increased setback with additional buffer plantings; 15' wide easement; and an

overall view of all plans (drainage, master utility, property lines, architectural, and landscaping).

Discussion followed related to the effect this project would have on Halfway Creek; the final destination location of runoff; irrigation and the possibility of drilling a well. Ms. Fountain responded that there would be no damage to the creek; indicated on the landscaping plan exactly where the outfall area would be, and noted that the project included enhancement, cleanup, and maintenance of the area; and a potable landscape system would be maintained by the landscape maintenance company.

In response to an inquiry regarding the possibility to work out the access to US 41 with Fountain Lakes, Bob Soudan, representing Estero Lock-Up, responded that he felt encouraged that interconnect would be allowed now that FDOT was handling the project, and that they were allowing for it in the plans.

Chairman Strelow called for public comment and no one came forward.

Board Member Dewhirst moved approval of Resolution No. PZB 2015-11, seconded by Board Member Naratil, called and carried unanimously.

(3) Estero WAS – DCI 2015-00016 (District 2)
Request to rezone 1.36 acres from Mixed Use Planned Development to Commercial Planned Development on the west side of US 41 south of Pelican Sound Drive, for 15,000 square feet of commercial use including fast-food restaurants.

Community Development Director Gibbs provided a brief explanation.

Neale Montgomery, Attorney, Pavese Law Firm, stated that the overall center was zoned MPD. Through a PowerPoint presentation, Ms. Montgomery provided information regarding: the names of expert witnesses; locations; and aerial maps. Village Attorney Saunders requested copies of the expert witnesses' resumes.

Matthew Noble, AICP, continued with the PowerPoint presentation, providing the following information: the nearest dwelling units located to west and northwest were approximately 640 feet away, which included existing buffers, as well as buffering with the Pelican Sound right of way; rezoning request to accommodate 15,000 square feet of commercial use adjacent to the Paradise shops; schedule of uses included in application; property development regulations; deviation request to reduce onsite parking by 5% if enhancements were provided.

Board Member Naratil inquired regarding the temporary contractor's office. Mr. Noble responded that it would be a temporary trailer. Discussion and questions followed regarding consumption and music, types of usages, fracturing of ownership, and reasons for request to rezone from MPD to CPD instead of modifying the MPD. Discussion returned to the PowerPoint Presentation: future land and zoning designations; current MPD Master Concept Plan; and proposed Master Concept Plan.

Sam Marshall, Registered Professional Engineer, Banks Engineering, continued with the PowerPoint Presentation and explained the existing utilities and drainage, as well as the Lee County utilities availability letter.

Ted Treesh, TR Transportation, continued with the PowerPoint presentation and addressed transportation. Council Member Dewhirst inquired regarding the overall increase in vehicle trips. Mr. Treesh responded that it would probably be less than a 10% increase.

Matthew Noble continued with the PowerPoint presentation and pointed out compliance with the Village Plan and Land Development Code.

Discussion ensued regarding the footprint and height of the building, as well as possible uses.

Community Development Director Gibbs explained the rezoning request and discussion followed.

Chairman Strelow called for public comment and no one came forward.

Ms. Montgomery provided clarification regarding consumption on premises.

Board Member Dewhirst moved to recommend approval with conditions as stated in the staff report; additionally, that (1) the temporary use be allowed and be located in the western portion of the parcel; (2) approval of consumption on premises and outdoor seating in conjunction with a Group 3 restaurant; (3) conditions as listed in the applicant's 48-hour letter; (4) approval of the deviation for parking subject to the Design Review Board approving the connections, locations, and the bike rack location; (5) limit the fast food restaurant to in-line only use. Motion seconded by Chairman Strelow. Discussion of the motion followed. Motion was called and carried unanimously.

(4) Coconut Retail Center - ADD 2015-E003 (District 2)
Request for 3 deviations from the Land Development Code for proposed retail uses on 1.34-acre site located west of US 41 and north of Bulb Lane.

1. Setback reduction for a monument sign from 15 feet to 10 feet
2. Reduce parking spaces to 73 from the required 81.
3. Reduce parking stall depths from the required 18 foot to 16 foot depth, for 16 stalls along the western perimeter of the parking area.

Community Development Director Gibbs provided a brief explanation.

Gregory Roth, Bohler Engineering, through a PowerPoint presentation, provided information related to: background; aerial location map; overall aerial; proposed zoning requests – parking reduction, parking stall length reduction, monument sign setback (intent was to decrease paving to allow for more landscaping); and site plan.

Discussion and questions followed related to the public transit stop by Autumn Leaves; parking spaces code; buffer width; deviation justification; parking reduction; and landscaped buffer.

Chairman Strelow called for public comment and no one came forward.

Board Member Dewhirst moved to approve Resolution PZB 2015-12, with an addition to Condition #4: "A two (2) foot clear area or two (2) foot grass area must be provided in each parking stall to allow for vehicle overhang." Motion seconded by Board Member Crawford, called and carried unanimously.

(e) Public Hearings – Ordinances

(1) Roads Impact Fee Ordinance 2015-20
This ordinance revises the road fees using the most recent Road Impact Fee Study (Attached to ordinance). State Law requires the use of the most recent localized data. Please note that fees overall decrease 3-4% from the current rate.

Community Development Director Gibbs provided an explanation of the ordinance and the data. Chairman Strelow commented regarding Duncan and Associates. Brief discussion followed.

Chairman Strelow called for public comment and no one came forward.

Board Member Naratil moved to make a finding that the ordinance was consistent with the comprehensive plan and recommend that the Village Council adopt Ordinance 2015-20. Motion seconded by Board Member Wood, called and carried unanimously.

(2) Ordinance 2015-19 Amending Chapter 34 (Zoning)
Relating to acid stimulation and hydraulic fracturing.

Chairman Strelow provided a brief introduction, followed by an explanation of the ordinance by Village Attorney Burt Saunders.

Discussion followed related to the technical terminology in the ordinance; industrial zoning; quality of life; the ordinance being consistent with the comprehensive plan; the Burt Harris Act; and mineral rights.

Public Comment:

Caitlin Webber, Conservancy of SW Florida, provided background information on fracking.

Julianne Thomas, Growth Management Specialist, Conservancy of SW Florida, discussed the consistency with the comprehensive plan and provided written information.

Ralf Brookes, Attorney, Conservancy of SW Florida, explained his background. He discussed exploration wells; how the current laws were antiquated and did not adequately address the effects of modern drilling; permits required by drilling companies; the Conservancy would continue to assist the Village; and the pending Bill that may be amended.

Discussion followed related to the background of the ordinance; the Planning and Zoning Board's responsibility of determining consistency with the comprehensive plan; prohibiting unconventional uses of drilling; rural areas; and water quality.

Chairman Strelow moved that the Planning and Zoning Board strongly recommended the Village Council adopt Ordinance 2015-19, and made the finding that the ordinance was fully consistent with the comprehensive plan. Motion seconded by Board Member Naratil, called and carried unanimously.

(e) Workshops

None.

6. PUBLIC INPUT

None.

7. BOARD COMMUNICATIONS

Board Member Binkowski inquired regarding the progress on the comprehensive plan and an update on the Village Center. Community Development Director Gibbs responded.

(a) Committee Reports

None.

(b) Chairman's Reports

None.

(c) Member Reports and Comments

None.

8. ADJOURN

Board Member Crawford moved to adjourn, seconded by Board Member Wood, called and carried unanimously. Chairman Strelow adjourned the meeting at 8:55 p.m.

Respectfully submitted,

Kathy Hall

Kathy Hall, MMC
Village Clerk

Minutes approved as submitted: January 19, 2016

MEMORANDUM
FROM
DEPARTMENT OF COMMUNITY DEVELOPMENT
DEVELOPMENT SERVICES SECTION

Date: **October 15, 2015**

To: **Alvin 'Chip' Block, Principal Planner**

From: **Beth Workman, Environmental Planner**
Phone: (239) 533-8793
E-mail: EWorkman@leegov.com

Project: **Estero was minor CPD**
Case: **DCI2015-00016**
STRAP: **33-46-25-E3-28001.0000**

The Development Services staff has reviewed the proposed DCI2015-00016 application to remove 1.36 acres of the MPD and rezone the 1.36 acres to a CPD. Development Services staff offers the following analysis as it pertains to landscaping, open space, and protected species:

VEGETATION & PROTECTED SPECIES:
The subject parcel is a previously cleared site. No protected species were found during the onsite inspection by Susie Derheimer on July 10, 2015.

OPEN SPACE:
The existing open space required for the MPD exceeds the amount required for the original acreage so removing the 1.36 acres of land will have no negative effect to the open space for the overall MPD. The subject parcel being rezoned to CPD will be required to meet the Land Development Code (LDC) requirement of 20% open space for a small commercial project.

BUFFERS:
The buffers are existing and meet the LDC. The only change that may occur is if a Fast Food Restaurant is proposed in which case the applicant has added a note to the schedule of uses pertaining to the LDC 34-1353 that requires increased buffers for such a use.

ATTACHMENT E

MEMORANDUM
FROM THE
DEPARTMENT OF COMMUNITY DEVELOPMENT
DEVELOPMENT SERVICES SECTION

DATE: October 22, 2015

TO: A. Block
Senior Planner

FROM: M. Evans ME.
Senior Engineer

RE: Estero WAS Minor CPD
Case No. DCI2015-00016

The 1.36-acre subject site is located on the west side of US 41/South Tamiami Trail between Williams Road and Pelican Sound Drive in the Village of Estero. On the applicant's Master Concept Plan (MCP), access to the site is shown indirectly to Pelican Sound Drive and US 41 via two internal connections to the Paradise Shoppes of Estero development which borders the site to the south and west.

The site is currently undeveloped. The applicant proposes to construct a retail building as noted on the proposed MCP. Assuming full build-out with this intense use, the applicant's traffic analysis considered the future site development based on the impacts of a maximum 15,000 ft² retail building. In order to assess the traffic impacts of the proposed zoning, the Institute of Transportation Engineer's (ITE's) report, titled **Trip Generation**, *9th Edition*, was reviewed and generated trips were calculated. Pass-by trip reductions were accounted for and total new trips determined. The results of the trip generation calculations are described in Table 1.

Table 1
New Trip Generation

Description	AM Peak Hour			PM Peak Hour			Daily (2-way)
	In	Out	Total	In	Out	Total	
New Trips	21	13	34	57	61	118	1,385

New trips were then distributed to the surrounding road network in order to assess the Level of Service (LOS) impacts on US 41. Based on the 2014 Lee County Concurrency Report, the section of US 41 adjacent to the site currently operates at LOS "B". Utilizing the 2014 Lee County Traffic Count Report and a five-year project build-out of 2020, the background traffic volume on US 41 was estimated to be 2,651 peak hour, peak direction trips, corresponding to a LOS "B". Once the project build-out traffic was added to this roadway section, US 41 was estimated to operate at LOS "B". Based on the LOS Standards set forth in THE LEE PLAN, LOS "B" is an acceptable Level of Service. Therefore, the proposed development is consistent with the standards contained within the County's comprehensive plan.

ATTACHMENT F

Lee County
Southwest Florida
BOARD OF COUNTY COMMISSIONERS

John E. Manning
District One

Cecil L Pendergrass
District Two

Larry Kiker
District Three

Brian Hamman
District Four

Frank Mann
District Five

Roger Desjarlais
County Manager

Richard Wm. Wesch
County Attorney

Donna Marie Collins
Hearing Examiner

Writer's Direct Dial Number: (239) 533-8532

June 1, 2015

Stacy Ellis Hewitt
Banks Engineering
10511 Six Mile Cypress Parkway
Fort Myers, FL 33966

RE: Potable Water and Wastewater Availability
Estero Was CPD, 21700 S. Tamiami Trail
STRAP #: 33-46-25-E3-28001.0000

Dear Ms. Hewitt:

The subject property is located within Lee County Utilities Future Service Area as depicted on Maps 6 and 7 of the Lee County Comprehensive Land Use Plan. Potable water and sanitary sewer lines are in operation adjacent to the property mentioned above. However, in order to provide service to the subject parcels, developer funded system enhancements such as line extensions may be required.

Your firm has indicated that this project will consist of 1 commercial unit with an estimated flow demand of approximately 2,250 gallons per day. Lee County Utilities presently has sufficient capacity to provide potable water and sanitary sewer service as estimated above.

Availability of potable water and sanitary sewer service is contingent upon final acceptance of the infrastructure to be constructed by the developer. Upon completion and final acceptance of this project, potable water service will be provided through our Pinewood Water Treatment Plant.

Sanitary sewer service will be provided by Three Oaks Wastewater Treatment Plant. The Lee County Utilities' Design Manual requires the project engineer to perform hydraulic computations to determine what impact this project will have on our existing system.

This is only a letter of availability of service and not a commitment to serve. Lee County Utilities will commit to serve only upon receipt of all appropriate connection fees, a signed request for service and/or an executed service agreement, and the approval of all State and local regulatory agencies.

Further, this letter of availability of Water and Wastewater service is for re-zoning for this project only. Individual letters of availability will be required for obtaining building permits.

Sincerely,

LEE COUNTY UTILITIES

Mary McCormic
Technician Senior
UTILITIES ENGINEERING

VIA EMAIL

JUN 26 2015
COMMUNITY DEVELOPMENT

DCI 2015-00016

BANKS ENGINEERING

Professional Engineers, Planners & Land Surveyors

Estero WAS CPD

Legal Description

Parcel 1, Paradise Shoppes of Estero as recorded in instrument number 2007000106415 of the public records of Lee County, Florida.

Applicant's Legal Checked
by BSJ 7/1/15

DCI 2015-00016

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