

ADMINISTRATIVE AMENDMENT (PD) ADD2013-00085

ADMINISTRATIVE AMENDMENT
LEE COUNTY, FLORIDA

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

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

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

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

ATTACHED AS EXHIBIT "A"

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Deviations:

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

Conditions:

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

a. Parcels D and E:

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

b. Parcels A, B, and C:

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

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

stormwater area as depicted on the Master Concept Plan.

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

c. All invasive exotic vegetation, as identified in the Lee County LDC Section 10-420(h), must be removed from the indigenous vegetation preserve area. This requirement must be stated on the development order plans prior to development order approval.

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

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

8. If the Notice of Intent to Issue Permit is ever revoked, then Deviation 4 of this Administrative Amendment is no longer in force or effect.
9. If it is determined that inaccurate or misleading information was provided to the County or if this decision does not comply with the LDC when rendered, then, at any time, the Director may issue a modified decision that complies with the Code or revoke the decision. If the approval is revoked, the applicant may acquire the necessary approvals by filing an application for public hearing in accordance with Chapter 34.

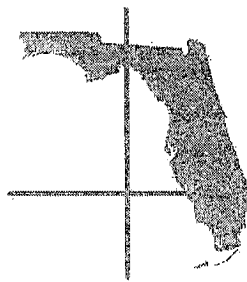
DULY PASSED AND ADOPTED ON 2/10/2014

BY: 

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

Exhibits:

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



METRON
SURVEYING & MAPPING, LLC
LAND SURVEYORS • PLANNERS

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

(RACETRAC – VIA RAPALLO DRIVE)

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

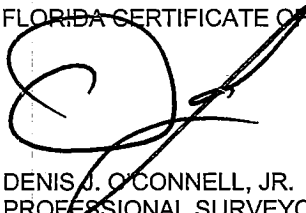
COMMENCE AT THE SOUTHWEST CORNER OF THE NORTHEAST QUARTER OF SECTION 4; THENCE NORTH 88°25'47" EAST ALONG THE EAST-WEST QUARTER SECTION LINE FOR 118.32 FEET TO AN INTERSECTION WITH THE WESTERLY RIGHT OF WAY OF U.S. 41 (TAMIAMI TRAIL, S.R. 45, 200 FEET WIDE); THENCE NORTH 06°41'21" WEST ALONG SAID WESTERLY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

PARCEL CONTAINS 2.24 ACRES, MORE OR LESS.

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

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

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


4/11/13
DENIS J. O'CONNELL, JR.
PROFESSIONAL SURVEYOR AND MAPPER
FLORIDA CERTIFICATE NO. 5430

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

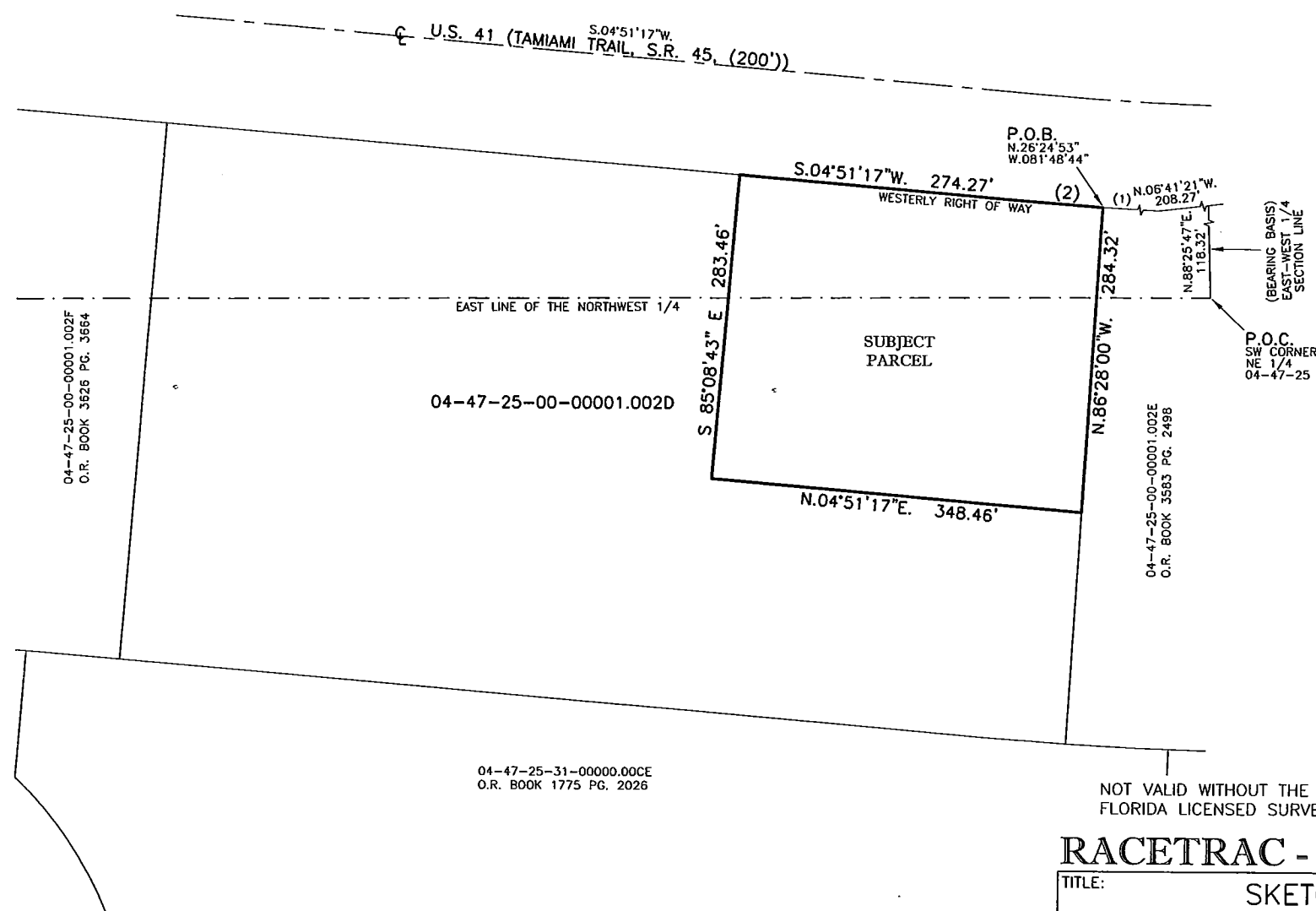
12569SK.doc

SHEET 1 OF 2

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

EXHIBIT A

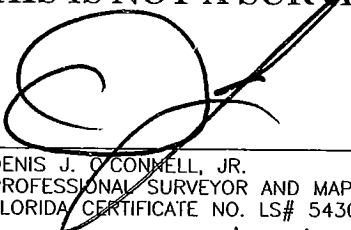
SKETCH TO ACCOMPANY DESCRIPTION



LEGEND:

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


*** THIS IS NOT A SURVEY ***

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

DATE SIGNED: 4/11/13

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

RACETRAC - VIA RAPALLO DRIVE

TITLE: SKETCH OF DESCRIPTION	
 METRON SURVEYING & MAPPING LAND SURVEYORS · PLANNERS LB# 7071	
10970 S. CLEVELAND AVE. SUITE #605 FORT MYERS, FLORIDA 33907 PHONE: (239) 275-8575 FAX: (239) 275-8457 www.metronfl.com	
FILE NAME: 12569SK.dwg	PROJECT NO.: 12569
SKETCH DATE: 4-11-13	DRAWN BY: JDF
SCALE: 1" = 150'	CHECKED BY: DJO
SHEET: 2 OF 2	
4-47-25	

CURVE TABLE

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

* SEE SHEET 1 OF 2 FOR LEGAL DESCRIPTION *

ADD2013-00085 Lee County ePlan

APPROVED

1605 Hendry Street
Fort Myers, FL 33901
239-418-0591 • 239-418-
Hands Care Center of Authorization

OWNER / DEVELOPER:
RACETRAC PETROLEUM, INC.

ESTERO GREENS CPD

PLAN REVISIONS	
DATE	DESCRIPTION

MASTER CONCEPT PLAN

Project Manager:	ADF
Drawn By:	CAS
Checked By:	ADF
Project Number:	21264
Part of Section(s):	4
Township: 47 S	Range: 25 E
County, State: LEE COUNTY, FL	

Status:
FOR PERMITTING PURPOSES ONLY
NOT FOR CONSTRUCTION

Sheet Number:	2
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K121284 - RACETRAC ESTEROCADMCPPLAN SET121284-01-PLAN.DWG