

ADMINISTRATIVE AMENDMENT (PD) ADD2008-00010

ADMINISTRATIVE AMENDMENT
LEE COUNTY, FLORIDA

WHEREAS, James Wallace, Touchstone of Rapallo, Inc., filed an application for administrative approval to a Mixed Use Planned Development on a project known as Art District at Rapallo (Coconut Point) to: 1) amended the Schedule of Uses for Tracts 1A, 1B and 1C to include Theater, indoor (Tract 1B); and 2) increase the maximum building height of the Performing Arts Center located on Tract 1B of the Coconut Point MPD Master Concept Plan from 45 feet/3 stories to 55 feet/4 stories on property located on the Southwest corner of U.S. 41 & Williams Road, described more particularly as:

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

ALL OF TRACT "1B", COCONUT POINT-AREA 1, ACCORDING TO PLAT BOOK 83, PAGES 1-13, OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA.

WHEREAS, the property was originally rezoned to Mixed Use Planned Development in case number Z-02-009 (with subsequent amendments in case numbers DRI2000-00015, DCI2001-00005, DRI2006-00002, DRI2006-00009, DCI2006-00080, and Z-07-040); and

WHEREAS, the subject property is located in the Urban Community Future Land Use Category as designated by the Lee 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, Resolution Z-07-040 amended the intensity of the approved planned development to allow a 506 seat performing arts center; and

WHEREAS, the intent of Resolution Z-07-040 was to, in part, amend the MPD and revise the approved Schedule of Uses to include Theater, indoor (Tract 1B); and

WHEREAS, Theater, indoor (Tract 1B) was not included in the amended approved Schedule of Uses due to a scribe's error; and

WHEREAS, an amended Schedule of Uses for Tracts 1A, 1B and 1C including Theater, indoor (Tract 1B) is attached (attachment A); and

WHEREAS, Tract 1B property development regulations set forth in Resolution Z-07-040 established a maximum building height of 45 feet/3 stories for the Performing Arts Center; and

WHEREAS, professional standards for performance theaters require a minimum height of 50 feet and Florida Building Code requires an additional five-foot smoke relief area on top of the stage for safety purposes, resulting in a building height of 55 feet (see Centerline Section of the Performing Arts Center, attachment B); and

WHEREAS, increasing the height of the Performance Arts Center will not increase its intensity (506 seats); and

WHEREAS, the increased height of the Performance Arts Center is consistent with the approved maximum building height of 55 feet/4 stories for the Mixed Use - Multiple Family (Alternative #4) buildings located in Tract 1B along US 41 and abutting the Performing Arts Center site location(see Coconut Point, Area #1 - Tract 1B Concept Plan, attachment C); and

WHEREAS, minutes from the Estero Community Planning Panel public meeting on October 8, 2007 (see Minutes of Public Meeting #92, attachment D) reflect support of the applicant's request to increase the maximum building height of the Performing Arts Center from 45 feet/3 stories to 55 feet/4 stories; 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, it is found that the proposed amendment does not increase density or intensity within the development; does not decrease buffers or open space required by the LDC; does not underutilize public resources or infrastructure; does not reduce total open space, buffering, landscaping or preservation areas; and does not otherwise adversely impact on surrounding land uses.

NOW, THEREFORE, IT IS HEREBY DETERMINED that the application for administrative approval for an amendment of the Mixed Use Planned Development to: 1) amended the Schedule of Uses for Tracts 1A, 1B and 1C to include Theater, indoor (Tract 1B); and 2) increase the maximum building height of the Performing Arts Center located on Tract 1B of the Coconut Point MPD Master Concept Plan from 45 feet/3 stories to 55 feet/4 stories is **APPROVED**.

Approval is subject to the following conditions:

1. **The Development must be in compliance with the amended Master Concept Plan (Coconut Point, Area #1 - Tract 1B Concept Plan, stamped received by Community Development on January 25, 2008. A reduced copy is attached hereto.**
2. **The maximum building height of 55 feet/4 stories in Tract 1B is limited to the Mixed Use - Multiple Family (Alternative #4) approved in Resolution Z-07-040 and the Performing Arts Center identified on the amended Tract 1B Master Concept Plan.**

3. The amendment to the Schedule of Uses permitted within Tracts 1A, 1B and 1C is limited to the addition of - Theater, indoor (Tract 1B).
4. The terms and conditions of the original zoning resolutions remain in full force and effect.

DULY SIGNED this 5th day of February, A.D., 2008.

BY: _____

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

Attachments:

- A - Schedule of Uses permitted within Tracts 1A, 1B and 1C
- B - Centerline Section of the Performing Arts Center
- C - Coconut Point, Area #1 - Tract 1B Concept Plan
- D - Minutes of Public Meeting #92 - Estero Community Planning Panel

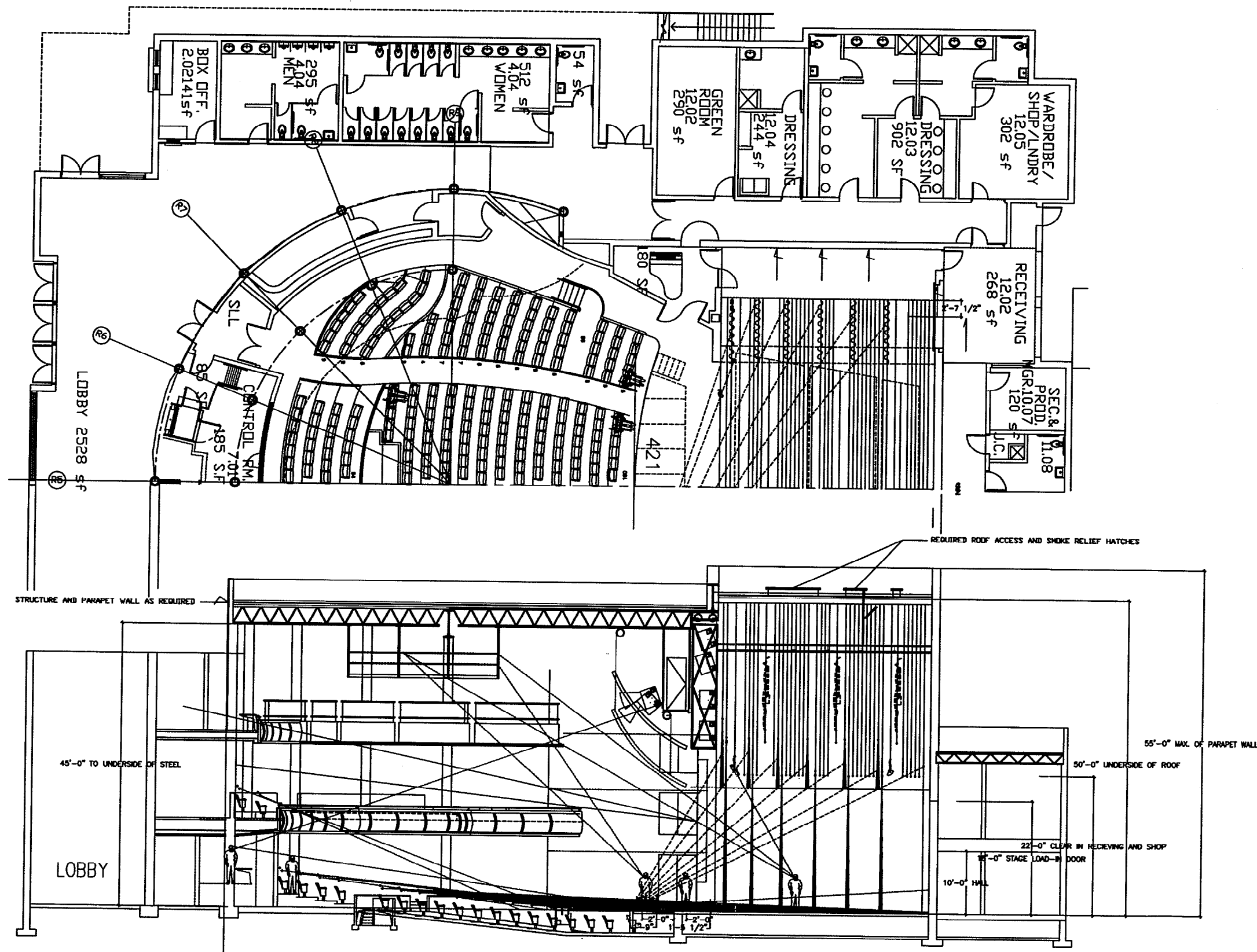
Attachment A

Schedule of Uses

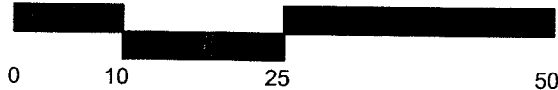
Permitted uses within Tracts 1A, 1B and 1C:

Accessory Uses and Structures permitted ancillary to a permitted principal use
Administrative offices
Animal clinic
ATM (automatic teller machine)
Auto parts store
Auto repair and service, Group I, limited to one
Banks and financial establishments, Group I
Banks and financial establishments, Group II, limited to SIC Codes 604, 621, 672, 673 and 674
Business services, Groups I and II
Car wash (limited to one)
Cleaning and maintenance services
Clothing stores, general
Contractors and Builders, Groups I and II
Convenience Food and Beverage Store (limited to one with attendant service station: however, the entire site is limited to a maximum of two)
Consumption on premises in compliance with LDC §34-1264 (limited to and in conjunction with a standard restaurant)
Cultural facilities, excluding zoos
Day care center, adult, child
Department Store
Drive thru facility for any permitted use
Drugstore (limited to one total, however, the entire site is limited to two)
Dwelling Units: multiple family building (Tract 1B only)
Entrance gates and gatehouse, in compliance with LDC §34-1748
Essential services
Essential service facilities, Group I
Excavation, water retention (as shown on the Master Concept Plan)
Fences, walls
Food Stores, Groups I and II
Gift and souvenir shop
Hardware store
Health care facility, Group III
Hobby, toy, and game shops
Hotel/motel (Parcel 1C only)
Household and office furnishings, Groups I, II, III (no outdoor display)
Insurance companies
Laundromat
Laundry or dry cleaning Group I
Lawn and garden supply store
Medical office
Nonstore retailers, all groups

Paint glass and wallpaper store
Parking lot: Accessory
Personal services, Groups I, II, and III (excluding escort services, palm readers, fortunetellers, card readers, and tattoo parlors)
Pet services
Pet shop
Pharmacy
Printing and publishing
Real estate sales office
Recreation facilities, commercial, Groups I and IV
Rental or leasing establishments Groups I & II (excluding passenger car pick up and drop off)
Repair shops, Groups I, II and III
Research and development laboratories Groups II and IV
Restaurant, fast food (limited to two, however, the entire site is limited to a maximum of four outside of the Regional food court/service area)
Restaurants, Groups I, II, III, and IV
Self service fuel pumps (limited to one in conjunction with a Convenience Food and Beverage Store, however entire site is limited to a maximum of two)
Signs, in accordance with Chapter 30
Social Services, Groups I and II
Specialty retail shops, Groups I, II, III and IV
Storage: Indoor only §34-3001 et seq.
Theater, indoor (Tract 1B only)
Used merchandise stores, Group I
Variety store



SCHEME 5.8
SECTION

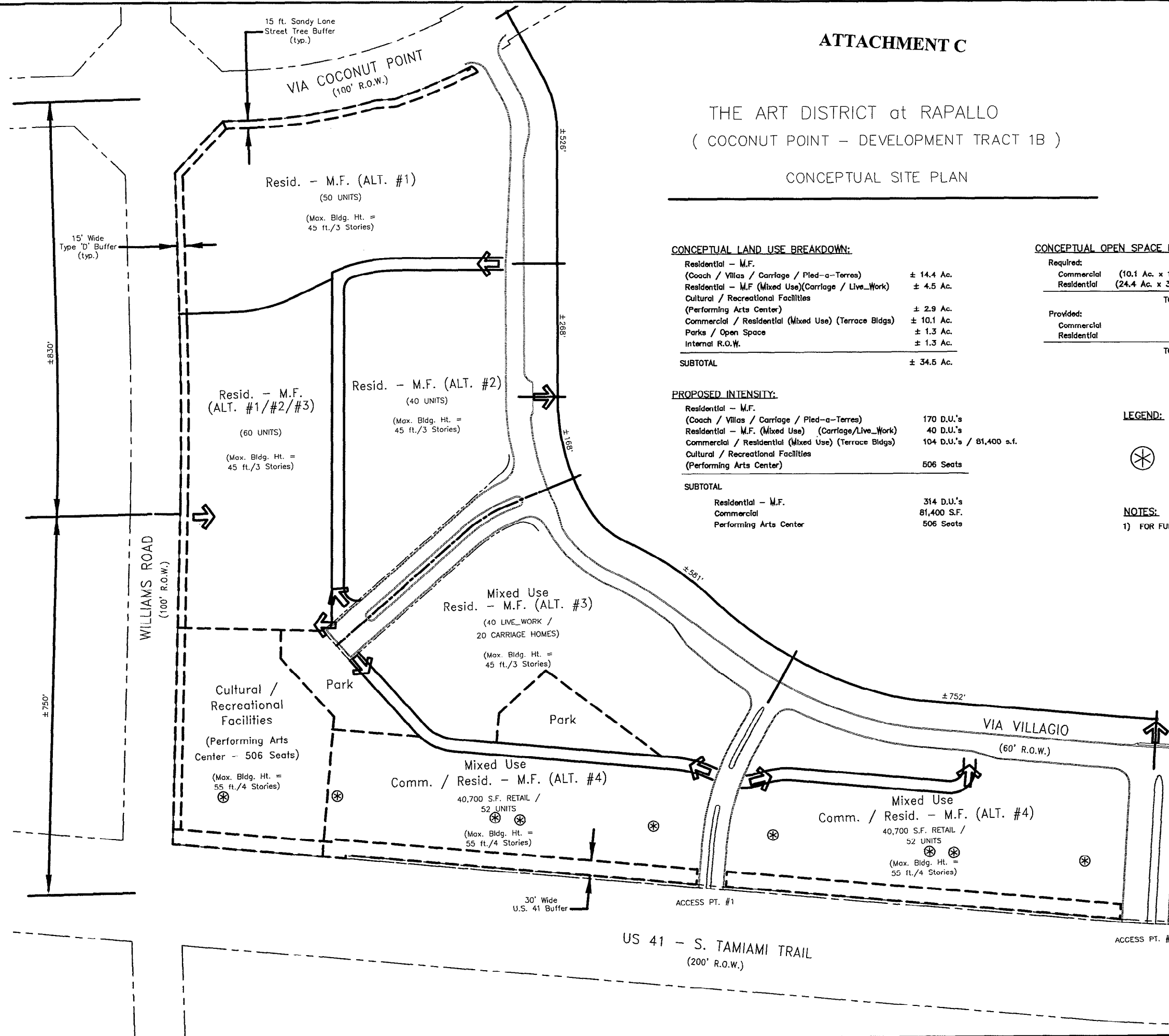


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JAN 25 2008

COMMUNITY DEVELOPMENT

ADD 2008-00010

UN19971097079A-3 DRI-ZONING-MPC-May 10 2006\NCP-MPC Map H Revised 082006\9779M-B_MCP-MPC Revised 041007.dwg 11/6/2007 7:44:47 AM EST



ATTACHMENT C

THE ART DISTRICT at RAPALLO
(COCONUT POINT - DEVELOPMENT TRACT 1B)

CONCEPTUAL SITE PLAN

CONCEPTUAL LAND USE BREAKDOWN:

Residential - M.F.	
(Coach / Villas / Carriage / Pled-a-Torres)	± 14.4 Ac.
Residential - M.F. (Mixed Use)(Carriage / Live_Work)	± 4.5 Ac.
Cultural / Recreational Facilities	
(Performing Arts Center)	± 2.9 Ac.
Commercial / Residential (Mixed Use) (Terrace Bldgs)	± 10.1 Ac.
Parks / Open Space	± 1.3 Ac.
Internal R.O.W.	± 1.3 Ac.
SUBTOTAL	± 34.5 Ac.

PROPOSED INTENSITY:

Residential - M.F.	
(Coach / Villas / Carriage / Pled-a-Torres)	170 D.U.'s
Residential - M.F. (Mixed Use) (Carriage/Live_Work)	40 D.U.'s
Commercial / Residential (Mixed Use) (Terrace Bldgs)	104 D.U.'s / 81,400 s.f.
Cultural / Recreational Facilities	
(Performing Arts Center)	506 Seats
SUBTOTAL	
Residential - M.F.	314 D.U.'s
Commercial	81,400 S.F.
Performing Arts Center	506 Seats

CONCEPTUAL OPEN SPACE BREAKDOWN:

Required:		
Commercial	(10.1 Ac. x 19.55%)	± 2.0 Ac.
Residential	(24.4 Ac. x 30.0%)	± 7.3 Ac.
TOTAL		± 9.3 Ac.
Provided:		
Commercial		± 2.0 Ac.
Residential		± 7.3 Ac.
TOTAL		± 9.3 Ac.

LEGEND:



GENERAL LOCATION OF SERVICE AREAS

NOTES:

1) FOR FURTHER DETAILED LOCATIONS OF SERVICE AREAS WITHIN THE MIXED USE COMM/RESID-MULTIPLE FAMILY (ALT #4), SEE TRACT 1B PLAN DETAILS.

APPROVED
Amendment to
Master Concept Plan
Subject to Case # ADD 2008-00010
Date 2/05/2008

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COMMUNITY DEVELOPMENT

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SCALE: 1" = 200'

DATE	REVISIONS	NUMBER
01/23/08	Administrative Amendment	1
11/01/07	Zoning Resolution Revisions	2
04/18/07	Unit Revisions	3
01/15/07	Sufficiency Responses	4
10/02/06	Sufficiency Responses	5

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

H M
HOLEMONTES
ENGINEERS-PLANNERS-SURVEYORS

COCONUT POINT
Area #1 - Tract 1B Concept Plan

DESIGNED:	DATE:
DRAWN:	DATE:
C.R.B.	10/02/06
CHECKED:	DATE:
VERT. SCALE:	HORIZ. SCALE:
	1" = 200'
REFERENCE NO.	9779MB_MCP
PROJECT NO.	97.79M-B
SHEET NO.	1 OF 3



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Estero Community Planning Panel

MINUTES OF PUBLIC MEETING # 92

October 8, 2007

Estero Community Park, Estero, Florida

Panel Members Present:

ECPP Chairman Neal Noethlich, ECCL; John Goodrich, Estero Council of Community Lea Lin Welch, Estero Chamber of Commerce, Gordon Lyons, EDRC; Tom Siegfried, Estero F Rescue, Beverly MacNellis, Treasurer, ECA; Recording Secretary, Bill Brown, ECCL.

Public Participation:

23 participants were present including 11 members of the general public. Brown reported t was a display ad in the Bonita Banner on October 3rd. There was a story in the News-Pres October 5th. The notice was in the Estero section of the News-Press Web page and our jo Page – EsteroFL.Org. The notice was posted in the Library, Realty World and the Wachon Colonial Banks.

Secretary's Report:

Goodrich: Motion to accept September 10th Meeting Minutes as amended. Welch: Second Minutes accepted unanimously.

Treasurer's Report:

Treasurer MacNellis distributed a comprehensive report on transactions in the Estero Plan Panel checking account at Colonial Bank for the period ending 10/6/07. The ending balance

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\$3,444.75 Goodrich: Motion to accept Treasurer's Report. Welch: Second. Motion approved.

Developer Presentations:

Update on Rapallo Art District and Change in DR

Ned Dewhirst and Jim Wallace said they have requested a height increase to 55' from 45' Rapallo Theatre. Wallace explained that the Theatre requires the additional height to allow for the rigging that goes with the stage. They are asking the Commission when it considers Hearing Examiner's recommendation on October 29. Other buildings in the DRI have 55' c Noethlich said he supports the requested increase in height. Lyons concurred.

ASAP Corkscrew Mini Storage CPD

South side of Corkscrew Road North of the Stoneybrook Fire Station

Fred Drovdic, ACIP, Quattrone & Associates, presented sketch for a five building mini-storage facility on Tract S-2 (5.17 acres) of the Stoneybrook DRI. The largest building will be 500' l which in appearance will be similar to the Lowe's store in that it appears to be a series of stores instead of one big building. This was done at the suggestion of the Design Review committee. The NOPZ rezoning request is for a 150,000 Square foot Mini warehouse on 5 acres and eliminates office and retail uses from parcel S-2. The access would be moved from Stoneybrook Drive to a central site location off of Corkscrew Road and would make no use school and fire station access. The tallest building will be 45'.. There will be no doors facing Corkscrew. Noethlich noted the revised schedule of uses which still allows one convenient with gas pumps on another tract within this CPD. Because of the proximity to the Pinewood Elementary School, that was a bit troubling. Mr. Drovdic indicated the developer would not give up that use. Noethlich pointed out that 'Signs, in compliance with LDC Chapter 30" should also refer to Chapter 33 to cover all of the Estero provisions. The co-chair of the Design Review suggested a prohibition against contractors using the fire station and school road for construction.

Proposed Amendment to Williams Place CPD

along US 41 east of Fountain Lakes, to allow sales of alcohol with a Restaurant within 300' of and adjacent residential area -

K'Shana Hayne of Roetzel & Andress, LPA said the restaurant would be 248 ' rather than presently required 300 ' from Fountain Lakes. The fountain Lakes Community Association objection. The restaurant will be an upscale pizza restaurant, serving beer and wine, called serious pizza". In response to a question from Goodrich, Hayne said no beer or wine would

served outside. Hours will be from 11:30 AM until 11:00 PM. Noethlich pointed out that Est allows no stand-alone bars.

ECCP:

Bob Melzer of Heidt & Associates, who is a Fort Myers landscape architect was appointed new member of the Design review Committee on motion of Goodrich and second by Welch. Goodrich reported on the status of the planned update of the Estero Five Year Plan. Good Noethlich met with representatives of the County Planning staff and the county Attorney's primarily for clarification of the application of the Sunshine Law. Discussion with developer among Panel Members involving planning has to be in a public meeting with notice. Noeth pointed out that there can be one-on-one meetings with developers about developer support and participation in the planning process and education...O'Dea reported on progress in updating the Website to make it more usable by developers. Lyons said that Design Review Committee hear from representatives of the Coconut Point Super Target on Wednesday.

The Panel adjourned at 8:00 PM.

12/10/2007

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