

ADMINISTRATIVE AMENDMENT (PD) ADD2022-00155

ADMINISTRATIVE AMENDMENT
LEE COUNTY, FLORIDA

WHEREAS, SFWP RE, LLC filed an application for an administrative amendment to a Mixed Use Planned Development (MPD) on a project known as Southwest Florida Proton, Estero Oaks MPD Lots 5 & 6 to seek a deviation from LDC Section LDC Section 10-610(e), which requires adjacent commercial uses to provide parking lot interconnections for automobile, bicycle and pedestrian traffic, to allow the existing reverse frontage road (Estero Oaks Drive) to serve as the automobile, bicycle and pedestrian interconnection; and

WHEREAS, the subject property is located at 9961 Estero Oaks Drive, STRAP Number 22-46-25-14-0000C.0030 (Attached as Exhibit "A"); and

WHEREAS, the property was originally rezoned by Resolution Number Z-14-011 (with subsequent amendments in case numbers ADD2014-00151 and ADD2017-00106); and

WHEREAS, the subject property is located in the Urban Community Future Land Use Category as designated by the Lee Plan; and

WHEREAS, the applicant has provided a narrative that details the request associated this amendment (Attached as Exhibit "B"); and

WHEREAS, the applicant seeks a deviation to utilize Estero Oaks Drive, an existing reverse frontage road within the development, as the interconnection to adjacent commercial uses (Attached as Exhibit "C"); and

WHEREAS, the subject property consists of Lots 5 and 6 on the Master Concept Plan, and the request seeks to eliminate an interconnection to the property to the west, referenced as Lot 4 (Attached as Exhibit "D"); and

WHEREAS, the applicant has provided an amended Master Concept Plan to update deviation references (Attached as Exhibit "E"); and

WHEREAS, Development Services staff has reviewed the request and offered no objection; 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 Director has the authority to approve amendments to planned developments as specified in LDC Section 34-174(i); 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 to the Mixed Use Planned Development is **APPROVED subject to the following conditions:**

1. **The Development must be in substantial compliance with the amended Master Concept Plan, dated 11/25/2013 last revised 8-25-2022. Master Concept Plan for ADD2022-00155 is hereby APPROVED and adopted. A reduced copy is attached hereto as Exhibit "E."**
2. **The deviation from LDC Section LDC Section 10-610(e), which requires adjacent commercial uses to provide parking lot interconnections for automobile, bicycle and pedestrian traffic, to allow the existing reverse frontage road (Estero Oaks Drive) to serve as the automobile, bicycle and pedestrian interconnection, is hereby APPROVED subject to the following condition:**
 - a. **This deviation is limited to the required interconnection between the subject property (identified as Lots 5 and 6) and the abutting property to the west (identified as Lot 4) as depicted on the Master Concept Plan attached hereto as Exhibit "E." All other development must comply with the LDC.**
3. **The terms and conditions of the original zoning resolution, as amended, remain in full force and effect.**
4. **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 Zoning Manager 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, adopted, and electronically signed on 9/9/2022

Anthony R. Rodriguez, AICP, Zoning Manager

Exhibits:

Exhibit A – STRAP Number

Exhibit B – Request Statement

Exhibit C – Deviation Request and Justification

Exhibit D – Administrative Deviation Plan

Exhibit E – Master Concept Plan

Exhibit A



Professional Engineers, Planners & Land Surveyors

LEGAL DESCRIPTION

ALL OF TRACT "C-3", ESTERO OAKS, RECORDED IN INSTRUMENT NUMBER 2014000255995, PUBLIC RECORDS OF LEE COUNTY, FLORIDA.

REVIEWED
ADD2022-00155
Rick Burris, Principal
Planner
Lee County DCD/Planning
9/7/2022

Banks Engineering

Professional Engineers, Planners & Land Surveyors

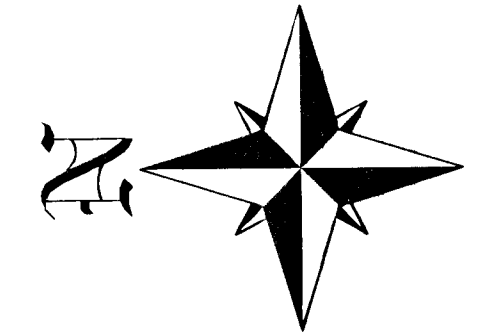
10511 SIX MILE CYPRESS PARKWAY - SUITE 101 FORT MYERS, FLORIDA 33966
PHONE: (239)939-5490 FAX: (239)939-2523
FLORIDA BUSINESS CERTIFICATE NUMBER LB 6690

ESTERO OAKS

A SUBDIVISION LYING IN
SECTIONS 22, TOWNSHIP 46 SOUTH, RANGE 25 EAST
LEE COUNTY, FLORIDA

INSTRUMENT NUMBER 2014000255995

SHEET 3 OF 5



60 30 0 60 120
GRAPHIC SCALE 1"= 60'

LEGEND:

- PG. - INDICATES PAGE
- PC - INDICATES CENTERLINE
- P.B. - INDICATES PLAT BOOK
- D.E. - INDICATES DRAINAGE EASEMENT
- S.W.E. - INDICATES SIDEWALK EASEMENT
- I.N. - INDICATES INSTRUMENT NUMBER
- F.K.A. - INDICATES FORMERLY KNOWN AS
- P.I. - INDICATES POINT OF INTERSECTION
- O.R. - INDICATES OFFICIAL RECORDS BOOK
- P.U.E. - INDICATES PUBLIC UTILITY EASEMENT
- L.M.E. - INDICATES LAKE MAINTENANCE EASEMENT
- L.B.E. - INDICATES LANDSCAPE BUFFER EASEMENT
- L.C.U.E. - INDICATES LEE COUNTY UTILITY EASEMENT
- W.M.E. - INDICATES WATER MANAGEMENT EASEMENT
- C1 - INDICATES NUMBER 1 OF THE CURVE TABLE
- F.P.L. - INDICATES FLORIDA POWER & LIGHT COMPANY
- - INDICATES SET PERMANENT REFERENCE MONUMENT (PRM), 5/8" IRON ROD AND CAP BEARING THE FLORIDA BUSINESS CERTIFICATE NUMBER (PCP LB 6690) TO BE SET IN ACCORDANCE WITH F.S. SECTION 177.091.
- - INDICATES PERMANENT CONTROL POINT (P.C.P.), NAIL AND BRASS DISK BEARING THE FLORIDA BUSINESS CERTIFICATE NUMBER (PCP LB 6690) TO BE SET IN ACCORDANCE WITH F.S. SECTION 177.091.

CURVE TABLE

CURVE	RADIUS	DELTA	ARC	CHORD	CHORD BEARING
C1	50.00'	87°46'07"	76.59'	69.32'	S 44°45'17" W
C2	100.00'	87°46'07"	153.19'	138.64'	S 44°45'17" W
C3	300.00'	25°00'00"	130.90'	129.86'	N 13°22'13" E
C4	110.00'	46°13'13"	88.74'	88.35'	N 02°45'37" W
C5	350.00'	21°13'13"	129.83'	128.89'	N 09°44'23" W
C6	100.00'	90°00'00"	157.08'	141.42'	N 45°52'13" E
C7	42.00'	91°39'21"	67.19'	60.25'	S 45°02'33" W
C8	42.00'	49°07'49"	36.01'	34.92'	S 64°33'52" E
C9	80.00'	90°00'00"	125.66'	113.14'	N 45°52'13" E
C10	120.00'	90°00'00"	188.50'	169.71'	N 45°52'13" E
C11	370.00'	21°13'13"	137.03'	136.25'	N 09°44'23" W
C12	330.00'	21°13'13"	122.22'	121.52'	N 09°44'23" W
C13	22.00'	29°54'31"	11.48'	11.35'	N 35°18'15" W
C14	67.00'	48°30'32"	56.72'	55.05'	S 26°00'14" E
C15	22.00'	61°52'25"	23.76'	22.62'	N 32°41'11" W
C16	150.00'	25°30'23"	66.78'	66.23'	N 76°22'35" W
C17	42.00'	90°00'00"	65.97'	59.40'	S 45°52'13" W
C18	42.00'	49°22'17"	36.19'	35.08'	S 64°26'38" E
C19	220.00'	31°19'48"	120.30'	118.81'	N 73°27'53" W
C20	22.00'	43°07'33"	16.56'	16.17'	S 79°21'46" E
C21	67.00'	05°36'54"	6.57'	6.56'	S 81°52'55" W
C22	22.00'	69°01'16"	26.50'	24.93'	N 50°10'43" E
C23	280.00'	14°47'52"	72.32'	72.11'	N 08°16'09" E
C24	320.00'	16°36'54"	92.80'	92.47'	N 09°10'40" E
C25	22.00'	56°05'40"	21.54'	20.69'	S 10°33'43" E
C26	67.00'	103°50'36"	121.43'	105.48'	N 13°18'45" E
C27	22.00'	85°35'02"	32.86'	29.89'	S 22°26'32" W
C28	120.00'	87°46'07"	183.82'	166.37'	S 44°45'17" W
C29	27.00'	90°00'00"	42.41'	38.18'	N 43°38'20" E
C30	42.00'	45°18'09"	33.21'	32.35'	N 24°00'44" W
C31	80.00'	87°46'07"	122.55'	110.91'	S 44°45'17" W
C32	320.00'	10°07'32"	56.55'	56.48'	N 05°55'59" E
C33	320.00'	06°29'22"	36.24'	36.22'	N 14°14'27" E
C34	330.00'	12°57'47"	74.66'	74.50'	N 13°52'06" W
C35	330.00'	08°15'26"	47.56'	47.52'	N 03°15'29" W
C40	10.00'	87°46'07"	15.32'	13.86'	S 44°45'17" W
C41	20.00'	28°29'58"	9.95'	9.85'	N 77°06'41" W
C42	35.00'	61°30'02"	37.57'	35.79'	N 32°06'41" W
C43	30.00'	45°00'00"	23.56'	22.96'	S 23°51'40" E
C44	40.00'	45°00'00"	31.42'	30.61'	S 68°51'40" E
C59	25.00'	45°00'00"	19.63'	19.13'	N 66°08'20" E
C60	25.00'	92°13'53"	40.24'	36.04'	S 45°14'43" E
C61	40.00'	57°20'30"	40.03'	38.38'	N 27°48'02" W
C62	10.00'	42°20'30"	7.39'	7.22'	S 35°18'02" W
C63	30.00'	30°00'00"	15.71'	15.53'	N 29°07'47" W
C64	30.00'	30°00'00"	15.71'	15.53'	N 59°07'47" E
C65	10.00'	30°00'00"	5.24'	5.18'	S 59°07'47" E
C66	18.00'	134°28'24"	42.25'	33.20'	S 23°06'25" W
C67	98.00'	168°19'19"	284.48'	194.61'	N 07°10'58" E
C68	50.00'	13°40'40"	11.94'	11.91'	N 82°49'02" E
C69	17.00'	100°39'07"	29.86'	26.17'	S 39°19'48" E
C70	362.50'	10°07'32"	64.06'	63.98'	N 05°55'59" E
C71	185.00'	41°29'31"	133.97'	111.06'	N 19°31'32" W
C72	385.00'	01°38'56"	11.08'	11.08'	N 19°31'32" W
C73	401.00'	02°51'43"	20.03'	20.03'	N 17°20'10" W
C75	235.00'	02°29'33"	10.22'	10.22'	N 59°02'46" W

LINE	BEARING	DISTANCE
L1	N 25°52'13" E	32.18'
L2	N 01°21'40" W	10.55'
L6	N 88°38'20" E	11.08'
L7	S 56°28'17" E	16.58'
L8	S 44°07'47" E	1.96'
L9	N 89°39'22" W	28.08'
L10	S 75°58'42" E	34.20'
L11	S 00°52'13" W	28.87'
L12	S 74°07'47" E	1.97'
L13	S 14°07'47" E	1.96'
L14	S 89°07'47" E	1.78'
L15	N 00°52'13" E	30.15'
L16	N 89°07'47" W	44.19'
L17	S 00°52'13" W	30.15'
L18	S 89°07'47" E	47.68'

LINE	BEARING	DISTANCE
L19	N 89°07'47" W	42.50'
L20	N 79°00'14" W	42.50'
L21	N 00°41'20" W	49.53'
L22	N 89°39'16" W	49.40'
L23	N 47°38'16" W	28.65'
L31	N 89°07'47" W	10.00'
L32	S 69°39'00" W	15.00'
L33	N 20°21'00" W	24.08'
L34	S 69°39'00" W	16.01'
L35	N 69°39'00" E	21.07'
L36	N 88°38'20" E	1.80'
L40	S 01°21'40" E	35.66'
L41	N 29°42'28" E	5.00'

REVIEWED
ADD2022-00155
Rick Burris, Principal
Planner
Lee County DCD/Planning
9/7/2022

NOTES:

- ALL DIMENSIONS ARE IN FEET AND DECIMAL PARTS THEREOF.
- ALL LOT LINES SHOWN ARE NON-RADIAL TO THE RIGHT-OF-WAY UNLESS OTHERWISE SHOWN.

Exhibit B

Professional Engineers, Planners & Land Surveyors

**Minor Administrative Amendment to Estero Oaks MPD
Southwest Florida Proton (Lots 5 & 6)
ADD2022-00152
Narrative of Request**

Request Summary

The applicant is requesting a minor administrative amendment for Lots 5 and 6 of Estero Oaks MPD (Southwest Florida Proton) to add an administrative deviation from Lee County Land Development Code (LDC) Section 10-610(e) which requires that adjacent commercial uses must provide parking lot interconnections for automobile, bicycle and pedestrian traffic to allow the existing reverse frontage road (Estero Oaks Drive) to serve as the automobile, bicycle and pedestrian interconnection. This deviation request has been deemed necessary in the concurrent review for the development order on this site under case number DOS2021-00186. It should be noted that the requested deviation is included in the LDC Section 10-104(20) list of provisions where the Development Services Director is authorized to grant administrative deviations. The applicant has included a minor update to the Master Concept Plan to reflect the deviation approved by ADD2014-00151 and assign it Deviation number 4 and to show the location of the proposed new Deviation 5. Please also see attached Schedule of Deviations and Justifications and Administrative Deviation Plan.

Background and Approval History

The overall 36.3-acre Estero Oaks MPD is located at the northwest corner of Three Oaks Parkway and Estero Parkway. The subject property is located in the Urban Community future land use category within the San Carlos Planning Community.

The overall Estero Oaks MPD project originally received zoning approval on June 18, 2014 pursuant to zoning resolution Z-14-011, which approved a rezoning from Commercial Planned Development (CPD) to MPD to allow 280 dwelling units including 63 bonus density units and 130,000 square feet of retail and general/medical office space.

The zoning has been administratively amended twice:

- September 24, 2014, via ADD2014-00151 which updated the open space on the MCP and added a new deviation for requirement for a paved turnaround for a resident only access.
- February 8, 2018, via ADD2017-00106 which approved a conversion factor to the existing mini-warehouse and public warehouse use to calculate the remaining available development intensity.

LDC Consistency/Minimal Modification

LDC Section 34-380(a) provides that amendments to an approved master concept plan or its attendant documentation may be requested at any time during the development of or useful life of a planned development. LDC Section 34-380(b) provides that the Director may administratively approve any change to the planned development in accordance with LDC Section 34-174. LDC Section 10-296 LDC Section 34-174(i)(2) states the Director must find the request: a. does not increase height, density or intensity of the development, except as permitted in chapter 2; b. does not result in the substantial underutilization of public resources and public infrastructure committed to the support of the development; c. does not result in a reduction of total open space provided on the master concept plan by more than ten percent; d. does not decrease the amount of indigenous

native vegetation preservation or open space areas below the amount required by the Code; e. if changes to the buffer or landscaping areas are proposed, equivalent or better (by comparison with the approved Master concept plan) landscaping or buffering is provided; f. does not adversely impact surrounding land uses; and g. is consistent with all applicable provisions of the Lee Plan and land development regulations in effect at the time of the amendment request.

Conclusion

The request is consistent with the administrative amendment requirements contained in LDC Section 34-174(i)(2). The request will not increase height, density or intensity. The request will not result in the substantial underutilization of public resources and public infrastructure committed to the support of the development. The request will not result in a reduction of total open space provided on the master concept plan. The request does not decrease the amount of indigenous native vegetation preservation or open space areas below the amount required by Code. The request does not change the fact that the project is consistent with the Lee Plan and the Land Development Code with the existing approved deviations and approval of the proposed deviation. The requested amendment is a minimal necessary modification to the already approved planned development to allow the project to proceed with development.

Exhibit C

Professional Engineers, Planners & Land Surveyors

**Minor Administrative Amendment to Estero Oaks MPD
Southwest Florida Proton (Lots 5 & 6)
ADD2022-00152
Schedule of Deviations and Justifications**

This deviation request has been deemed necessary in the concurrent review for the development order on this site under case number DOS2021-00186.

No changes to the existing four approved deviations.

Existing Deviations per Z-14-011:

Deviation 1 is from LDC Section 34-2020(a)(3) and 34-2020(b) allowing a 5% reduction in the number of required parking spaces for the residential tract.

Deviation 2 is from LDC Section 10-285(a) allowing connection separations of 600 and 635 feet on Estero Parkway.

Deviation 3 is from LDC Section 30-153(2) allowing signs shown on the MCP & Signage Plan.

Existing Deviation from ADD2014-00151 (*numbered 4 by this application*)

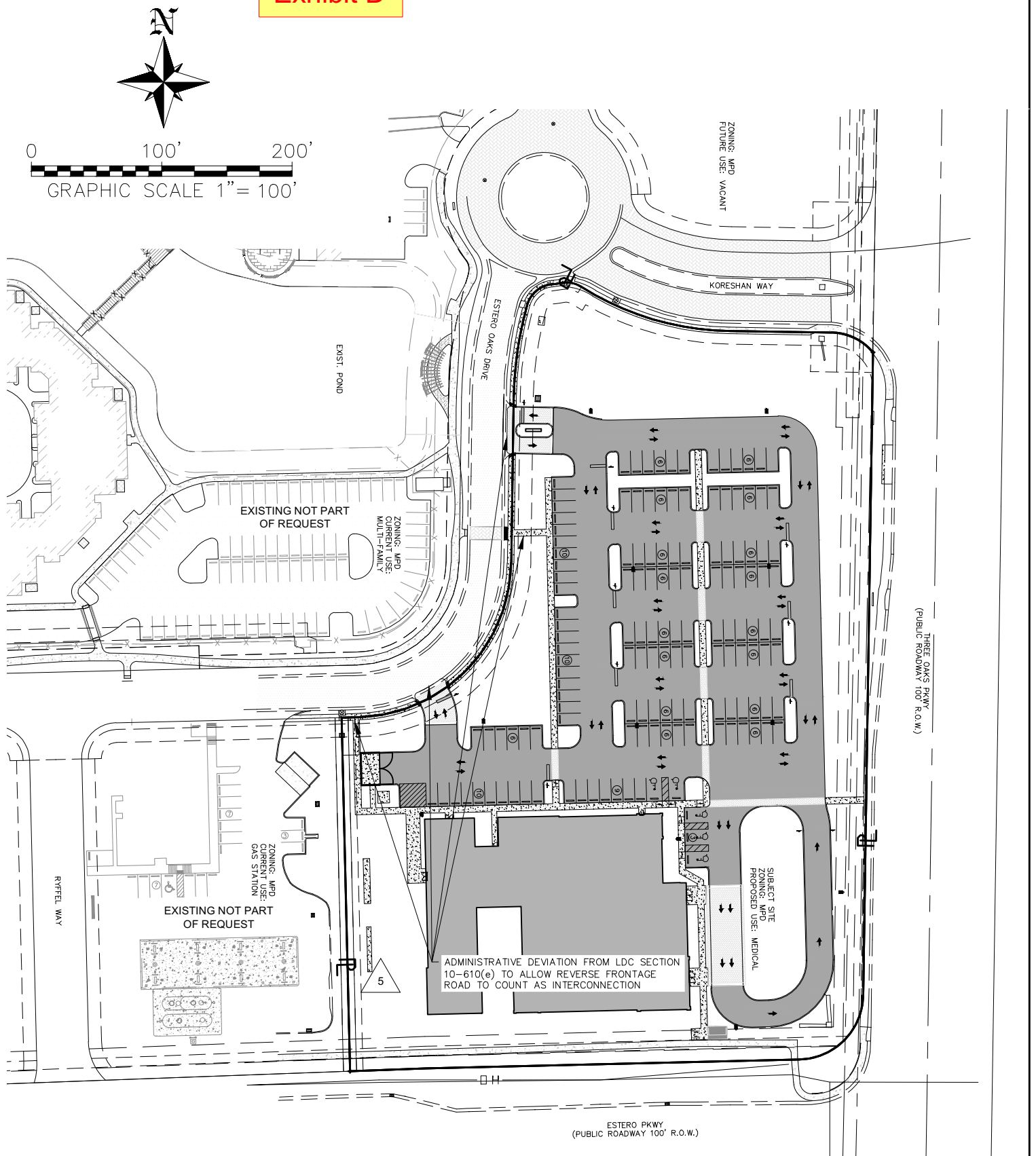
Deviation 4 is from LDC Section 34-1748(5) allowing a paved turn-around having a turning radius sufficient to accommodate a U-turn for a passenger vehicle for the resident only southwest entrance.

Proposed Deviation (5): A request for relief from LDC Section 10-610(e) Parking lot interconnections which requires that adjacent commercial uses must provide parking lot interconnections for automobile, bicycle and pedestrian traffic to allow the existing reverse frontage road (Estero Oaks Drive) to serve as the automobile, bicycle and pedestrian interconnection.

Justification: The requested deviation is included in LDC Section 10-104(20) list of provisions where the Development Services Director is authorized to grant administrative deviations. This deviation is necessary to allow for the construction of the building as shown on the attached administrative deviation plan utilizing the reverse frontage road as the interconnect. The proposed medical use is a destination type of use as opposed to retail and other uses that would be more appropriate for a direct interconnection to the adjacent gas station. No internal capture is utilized in the submitted traffic impact statement. The site is part of an existing mixed use development with a low traffic, private reverse frontage road (Estero Oaks Drive) that serves the purpose of an interconnect internal to the development. Estero Oaks Drive provides interconnection for vehicles, bicycles and pedestrian traffic to access other parcels within the mixed use development without accessing Three Oaks Parkway (arterial) or Estero Parkway (arterial). The site provides two vehicular connections to Estero Oaks Drive. Two sidewalk connections are provided to the existing sidewalks along Estero Oaks Drive and a sidewalk connection is provided to Three Oaks Parkway and Estero Parkway. Bike Racks and street amenities such as shaded seating areas with trash receptacle are provided. Requiring a direct parking lot interconnect would duplicate an interconnection that already exists with the reverse frontage road and would require additional pavement that is not necessary and would reduce open space provided. The request is consistent with the applicable criteria for administrative deviations contained in LDC Section 10-104(b): (1) The alternative proposed to the standards contained herein is based on sound

engineering practices (2) The alternative is no less consistent with the health, safety and welfare of abutting landowners and the general public than the standard from which the deviation is being requested; (3) not applicable; (4) The granting of the deviation is not inconsistent with any specific policy directive of the Board of County Commissioners, any other ordinance or any Lee Plan provision; and (5) not applicable; and (6) not applicable. Approval of the requested deviation enhances the achievement of the objectives of the planned development and will not cause a detriment to public interests.

Exhibit D



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

Digitally signed
by David B
Addison
Date:
2022.08.26
10:15:52 -0400

D. BRENT ADDISON
P.E. LIC. #70611

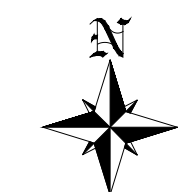
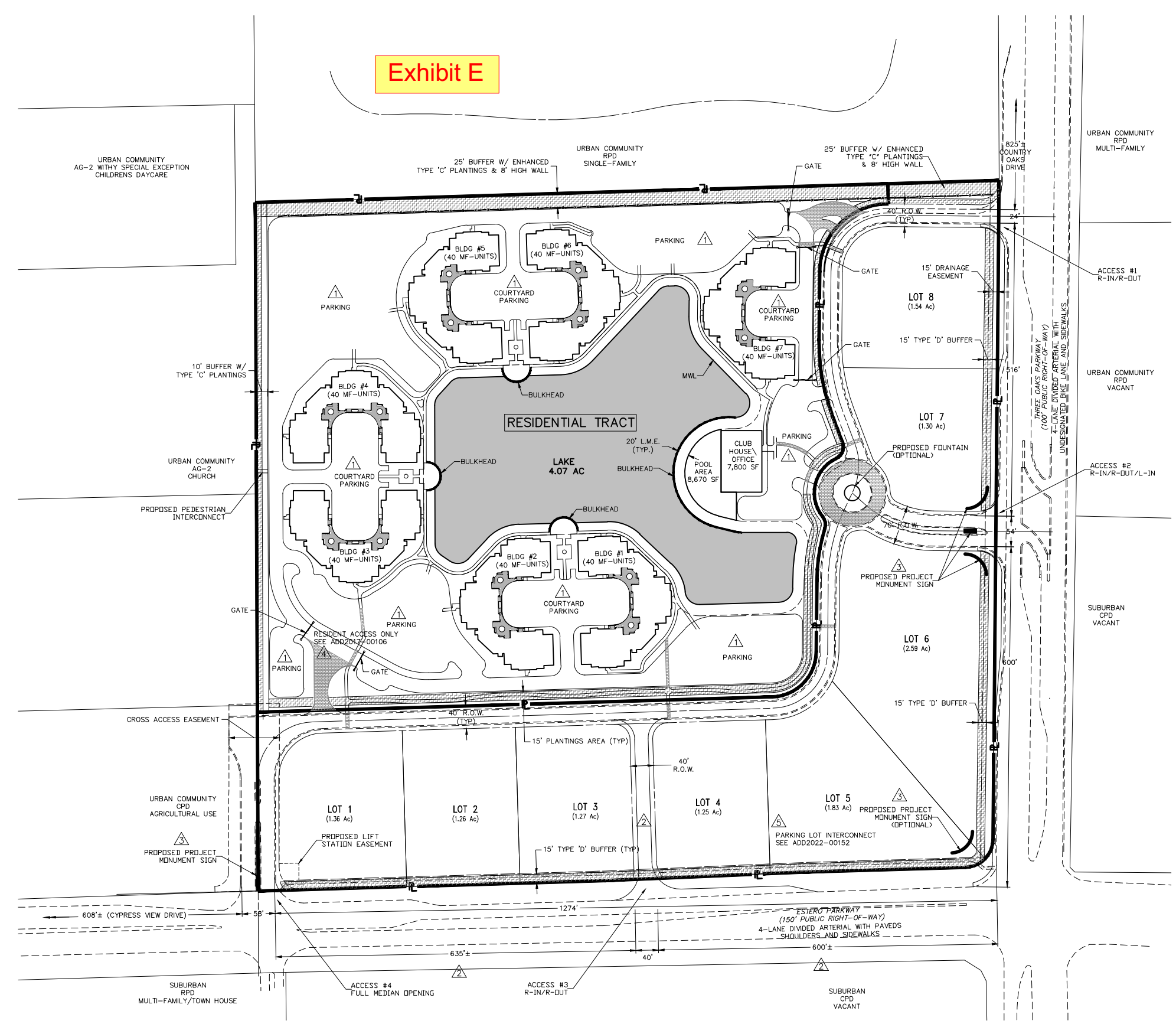
ADMINISTRATIVE DEVIATION PLAN

SOUTHWEST FLORIDA PROTON / ESTERO OAKS MPD LOTS 5 & 6

LEE COUNTY, FLORIDA

DATE	PROJECT	DRAWING	DESIGN	DRAWN	CHECKED	SCALE	SHEET
8/23/2022	1634F	_EXHIBIT	KG	KG	DBA	N.T.S.	1

Exhibit E



- LEGEND:**
- [Hatched Box] = BUFFER
 - [Solid Grey Box] = LAKE
 - [Triangle with X] = DEVIATION #X LOCATION

LAND USE BREAKDOWN:

RESIDENTIAL PARCEL		= 20.9 AC±
LAKE	= 4.07 AC±	
PARKING/ ROADS	= 7.25 AC±	
BUILDINGS	= 3.26 AC±	
OPEN SPACE/ PEDESTRIAN WALKS/ POOL AREA	= 6.29 AC±	
COMMERCIAL PARCELS		= 12.4 AC±
ROAD RIGHT OF WAY	= 3.0 AC±	
AREA TOTAL		= 36.3 AC±

OPEN SPACE CALCULATION:

OPEN SPACE REQUIRED

RESIDENTIAL (NET OF LAKE):	16.84 x 40%	= 6.74 AC
COMMERCIAL:	12.40 x 30%	= 3.72 AC
LAKE (RESIDENTIAL):	0.58 x 4.03 x 40%	= 0.93 AC
LAKE (COMMERCIAL):	0.42 x 4.03 x 30%	= 0.51 AC
ROAD R-O-W (RESIDENTIAL):	0.58 x 3.00 x 40%	= 0.70 AC
ROAD R-O-W (COMMERCIAL):	0.42 x 3.00 x 30%	= 0.38 AC
TOTAL OPEN SPACE REQUIRED		= 12.98 AC

OPEN SPACE PROVIDED

RESIDENTIAL OPEN SPACE/PUBLIC USE	= 5.97 AC (SEE NOTE)
COMMERCIAL OPEN SPACE @ 22%	= 2.73 AC
LAKE (25% OF REQUIRED)	= 3.25 AC
ROAD R-O-W	= 1.03 AC
TOTAL OPEN SPACE PROVIDED	= 12.98 AC

NOTE: INCLUDES 19% IMPERVIOUS WALKS, POOL, ETC.

PROPOSED DEVELOPMENT INTENSITY:

RESIDENTIAL TRACT =	280 MULTI-FAMILY UNITS
COMMERCIAL (LOTS 1-8) =	130,000 S.F. RETAIL/OFFICE

RESIDENTIAL PARKING CALCULATION:

PARKING REQUIRED:

280 MF UNITS X 2 SPACES / UNIT =	560 SPACES
7800 SF AMENITY X 4 SPACES/1000 SF =	32 SPACES
10% GUEST PARKING =	56 SPACES
TOTAL REQUIRED =	648 SPACES

PARKING PROVIDED:

648 SPACES LESS 5% FOR PARKING REDUCTION DEVIATION #1	
TOTAL PROVIDED =	616 SPACES

NO.	DATE	REVISION DESCRIPTION	BY
4	8-25-2022	ADD DEVIATION 4 AND 5 LOCATION REFERENCES	RJV
3	9-12-2021	REVISED OPEN SPACE CALCULATION	JS
2	2-12-2021	REVISED PER ENVIRONMENTAL COMMENTS	LRI
1	1-28-2021	REVISED PER FIRST SUFFICIENCY COMMENTS	LRI

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ENGINEERING LICENSE # EB 6469
SURVEY LICENSE # LB 6690
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MASTER CONCEPT PLAN ESTERO OAKS MPD LEE COUNTY, FLORIDA							
DATE	PROJECT	DRAWING	DESIGN	DRAWN	CHECKED	SCALE	SHEET
11/25/2013	1634U	MCP		SDJ		1" = 200'	01