

Attachment G.1.
Estero Town Center CPD

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07/03/2019

VILLAGE OF ESTERO

Request Statement

Request Statement: *Provide a single narrative explaining the nature of the request and how the property qualifies for the rezoning to a planned development. This narrative should include how the proposed development complies with the Comprehensive Plan, the Village of Estero Land Development Code, and the applicable findings/review criteria set forth in LDC section 34-145(d)(4). This narrative may be utilized in establishing a factual basis for the granting or denial of the rezoning. [34-373(a)(5)]*

This PD amendment proposes to add cross-section C-1 to the design standards approved as part of zoning resolution 03-032. This cross-section applies to drive-thru facilities located on Tract B of the Estero Town Commons Plat (Instrument # 2006000411908) adjacent to Corkscrew Road. Due to the location of existing utilities, the maximum building set back as shown is the original cross-section cannot be achieved. The new cross-section reflects the location of the existing utilities.

The applicant also proposes deviations specific to parking and stacking for a fast food restaurant of less than 5000 square feet. The deviations will result in parking and stacking sufficient for the proposed use based on the applicant's extensive experience in developing fast food restaurants. The deviations will result in an appealing Mediterranean designed building and provide onsite parking consistent with other similar double drive-thru concepts.

The proposed uses of this CPD are not being modified and have previously been determined to be consistent with the Village of Estero Comprehensive Plan.

The proposed PD amendment is consistent with the findings necessary to approve a PD amendment consist with the LDC.

LDC Sec. 34-145(d)(3) Findings

Before preparing a recommendation to the Board of County Commissioners on a zoning matter, the Hearing Examiner must find that:

- a. The applicant has proved entitlement to the rezoning by demonstrating compliance with the Lee Plan, this land development code, and any other applicable code or regulation; and

The project consists of a developed CPD, which was determined to meet the locational criteria for a Commercial Planned Development consistent with the Lee Plan. No additional uses or square footage is proposed as part of this amendment.

- b. The request, including the use of TDR or affordable housing bonus density units, is consistent with the densities, intensities and general uses set forth in the Lee Plan; and

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The CPD was approved in 2003, and the intensity of uses was deemed consistent with the Lee Plan commercial location standards at that time. No new uses or intensity of use is proposed.

- c. The request is compatible with existing or planned uses in the surrounding area; and

The proposed PD amendment does not modify the Schedule of Uses. The PD will remain compatible with surrounding development. The two deviations have no external impact. The new buffer cross-section is only to reflect the presence of a utility easement not previously shown in the design standards.

- d. Approval of the request will not place an undue burden upon existing transportation or planned infrastructure facilities and will be served by streets with the capacity to carry traffic generated by the development; and

The proposed amendment has no impact on the transportation network or any other infrastructure.

- e. Where applicable, the request will not adversely affect environmentally critical areas and natural resources. - LAND DEVELOPMENT CODE Chapter 34 ZONING Lee County, Florida, Land Development Code Page 46

The site has been developed consistent with the MCP and the indigenous preserve has been previously established.

LDC Sec. 34-377(a)(4). Public Hearing.

If the application includes a schedule of deviations pursuant to section 34-373(a)(9), the Hearing Examiner's recommendation must approve, approve with modification or reject each requested deviation based upon a finding that each item:

- a. Enhances the achievement of the objectives of the planned development; and
- b. Preserves and promotes the general intent of this chapter to protect the public health, safety and welfare.

If the Hearing Examiner concludes that the application omits necessary deviations, those omitted deviations may be included in the recommendation without an additional hearing.

The requested deviations enhance the objectives of the PD by permitting the fast food restaurant to be constructed utilizing stacking and parking requirements that meet current industry standards, and reflect the influence of drive through service, rather than sit down use for this type of restaurant. No public, health, safety or welfare issues result from approval of the deviations.