

ATTACHMENT C
BURGER KING AT ESTERO TOWN CENTER CPD DCI2018-E003
PROPOSED CONDITIONS ATTACHMENT

Conditions:

1. Site Plan

The development of the Fast Food Restaurant on Tract B must be substantially consistent with the Burger King Site Plan dated Revised June 21, 2019 stamped received June 24, 2019.

The development must comply with all requirements of the Village of Estero's Transitional Land Development Code (LDC), except as may be granted by deviation as part of this planned development.

2. Previous Approvals

The previous approvals (contained in Resolution Number Z-03-032, ADD2005-00156, ADD2005-00235, ADD2006-00163, and ADD2007-00017) including conditions and deviations, remain in effect except as modified by the conditions and deviations contained in this approval. The Schedule of Uses and building heights for the site must be in accordance with Resolution Z-03-032.

3. Re-plat

Prior to a development order for the fast food restaurant being issued, a re-plat of Tract B must be submitted, reviewed, and approved by the Village Council.

4. Transportation – Puente Lane Signal

Pursuant to a signalization agreement as a part of development order number DOS2002-00172, Estero Town Center is responsible for a proportionate share of the cost of the signalization of the intersection of Puente Lane and Corkscrew Road at such time as the required warrants for signalization are met (warrants have been met). The proportionate share payment must be made to the Village of Estero prior to issuance of a development order for this parcel.

5. Pattern Book

The project design must be consistent with the Pattern Book, titled "Lot 2, Estero Town Commons, 21301 Town Commons Drive", dated May 22, 2019, stamped received June 24, 2019. Buffers must be provided consistent with the buffers depicted on the Site Plan as well as the Pattern Book.

7. Town Commons Drive Pedestrian Access

In addition to the pedestrian accesses depicted within the Pattern Book, an additional pedestrian sidewalk must be provided with the vehicular access to Town Commons Drive. This sidewalk must connect the sidewalk on Town Commons Drive to the proposed building.

8. Estero Town Commons Place Sidewalk

A sidewalk must be installed along the parcel frontage on the north side of Estero Town Commons Place and must be included in the initial Development Order for the site.

9. Base Flood Elevation

The finished first floor must meet base flood elevation at a minimum plus one foot of free board (AH flood zone – elevation 16.2 feet NAVD which includes 1 foot of freeboard).

10. Proposed Typical Section C-1

The proposed Fast Food Restaurant with drive thru must be developed consistent with Typical Section C-1 which is hereby incorporated into the Estero Town Center Design Guidelines and Standards (Resolution number Z-03-032, Exhibit D).

11. Auto Turn Study

An auto turn study must be submitted, reviewed, and approved by the Estero Fire District prior to the Development Order for the site being approved.

12. No Blasting

No development blasting is permitted as part of the Burger King project.

13. Water and Sewer

Development of this project must connect to both public water and public sewer. At time of local Development Order, the developer must also demonstrate there is adequate water and sewer capacity to handle the proposed level of development.

14. State and Federal Permits

The approval of the proposed zoning amendment does not create any right on the part of the applicant to obtain a permit from a state or federal agency, all other applicable state or federal permits must be obtained before commencement of the development on the subject site.

15. Deviations

Deviation 1. A Deviation from LDC Section 34-2020, parking spaces, that requires fast food restaurants to provide 13 spaces per 1000 square feet of total floor area to permit 10 spaces per 1000 square feet of total floor area for the proposed fast food restaurant. Deviation 1 is Approved subject to providing a shared parking agreement (providing 10 additional parking spaces at a minimum) prior to the Development Order being approved. The Development Order for the Burger King site must provide 34 parking spaces on site at a minimum.

Deviation 2. A Deviation from LDC Section 34-2021, drive-thru stacking requirements, that requires restaurants to provide stacking to accommodate 10 cars per service lane with a minimum of 5 spaces preceding the menu board, to permit the drive-thru restaurant to provide a total of 7 spaces preceding the menu board for the double – drive-thru and a total of 15 spaces in the two service lanes. Deviation 2 is Approved subject to pavement striping as approved by Village staff.

Deviation 3. A Deviation from LDC Section 10-256(c)(2)e, bikeways and pedestrian ways, that requires a sidewalk to be constructed when a property abuts a local street, to permit no sidewalk to be installed adjacent to a portion of Tract B. Deviation 3 is Denied.