



Professional Engineers, Planners & Land Surveyors

Culver's at Beachwalk MPD

Administrative Amendment to Planned Development

Narrative of Request

Request Summary/Background

The applicant is requesting an administrative amendment to 6.13± acres of San Carlos Boulevard Commercial Parcel 1 of the Beach Walk Mixed Use Planned Development (MPD) located at the northeast corner of San Carlos Boulevard and Kelly Road. The subject property is located in the Central Urban future land use category within the Iona/McGregor Planning Community. The applicant is seeking to add Restaurant, fast food, limited to 1 to the schedule of uses for San Carlos Boulevard Commercial Parcel 1.

The property received zoning approval on November 2, 1998 by Zoning Resolution number Z-98-070 which rezoned the overall 126± acres from AG-2 to MPD. The MPD has been administratively amended several times as outlined in the attached Planned Development summary sheet.

The existing Schedule of Uses for San Carlos Boulevard Commercial Parcel 1 includes intense uses such as auto parts store with installation, automobile service station, auto repair and service, convenience food and beverage store and self service fuel pump station, drive through, food stores, medical offices, pharmacy, and restaurants groups I, II and III. In 2009, the LDC was amended to include supplemental regulations to ensure that fast food restaurants do not adversely impact adjacent land uses. The project will comply with these supplemental regulations ensuring compatibility of the proposed use. San Carlos Boulevard Commercial Parcel 1 is approved for 78,700 square feet of which 14,162± square feet have been constructed as the Shoppes at Beachwalk (DOS2003-00169). Proposed is a 4,824± square foot Culver's fast food restaurant on 2.67± acres, leaving 59,714 square feet of commercial for the remaining 3.46± acres for future development. Fast Food Restaurant is similar in nature and traffic generation to uses already included in the approved schedule of uses for the site. There is an existing 8' solid wall that was installed for buffering the adjacent residential uses and is located 7.1± feet from the property line. Not only will the proposed use meet the supplemental regulations for fast food restaurants, but it will also exceed them by providing a 30' Type "F" Buffer in addition to the existing wall.

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. The requested amendment is a minimal necessary modification to the already approved planned development to allow the project to proceed with development.