



November 30, 2022

Mr. Anthony R. Rodriguez, AICP, CPM
Zoning Manager
Lee County Community Development
PO Box 398 (1500 Monroe Street)
Fort Myers, FL 33902

**Culver's – Lehigh Acres
Comment Response Letter
KHA #045523019**

Dear Mr. Rodriguez:

This letter is in response to the comments received on October 28, 2022. Attached is a revised justification for the request as well as additional information to help with the application review. Also attached is proof of advertisement in The News-Press daily paper for the Community Meeting that was held on September 1st, 2022. In addition to the proof of advertisement, there are meeting notes from the advertised Community Meeting attached to this submittal. These two documents together ensure the citizen's information session was held in accordance with LDC Section 33-1401. I hope this additional information helps you with your review of our application.

If you have any additional questions or comments, please feel free to call me at 904-828-3909 or email at Josh.Cockriel@kimley-horn.com.

Sincerely,
KIMLEY-HORN AND ASSOCIATES, INC.

A handwritten signature in black ink, appearing to read "J. Cockriel".

Josh Cockriel, PE

Administrative Deviation

Culver's – Lehigh Acres

2511 Lee Blvd. Lehigh Acres, 33971

I. Written Narrative

The proposed project includes construction of an additional drive-thru lane and menu board to the existing Culver's Quick Serve Restaurant located at the intersection of 1st Street W and Lee Boulevard in Lee County. An Administrative Deviation for the additional drive-thru lane is required per Lee County's Land Development Code Section 34-2021 which states, "*Stacking lanes to accommodate ten cars per service lane, with a minimum of five spaces preceding the menu board.*" The proposed site plan includes two side-by-side service lanes which allows for three (3) spaces per lane preceding the menu boards, as opposed to the five (5) required. However, the total stacking preceding the menu board will be increased from five (5) spaces to six (6) spaces total with the construction of the second drive-thru lane.

The subject property is in the Wal-Mart Lehigh Acres Commercial Planned Development (CPD) (most recently modified by resolution Z-22-011). The improvements will improve circulation on-site by reducing queuing lengths and will remain consistent with the intent of the current land use and Lee Plan. The proposed improvements will not change the use of the site and are intended to improve the customer and public experience.

As indicated on the site plan, the proposed project will remove four parking spaces to accommodate the proposed second drive-thru lane. Many Culver's restaurants throughout the country (including this location) have experienced an increase in drive-thru traffic and less lobby patrons in this post-COVID world. With the increase in drive-thru traffic, Culver's is requesting to create an additional drive-thru lane to ensure efficiencies and reduce queuing times.

The only landscape change, as a result of the request, is a slight reshaping of the two existing islands with a total reduction in impervious surface area of 91 square feet and the addition of bicycle parking. All other buffers and required landscaping will remain untouched.

II. Schedule of Deviations and Justification

The proposed project seeks a deviation from Lee County Land Development Code (LDC) Section 34-2021(d) "*Restaurants: Stacking lanes to accommodate ten cars per service lane, with a minimum of five spaces preceding the menu board*". The proposed improvements are consistent with the approved Master Concept Plan (MCP) and development parameters, exclusive of the stated deviation from the Land Development Code (LDC). The request is minor in nature as the majority of the existing design of the site will remain unchanged. As a result of the request, only two landscape islands will be slightly reshaped with the impervious surface area decreasing by 91 square feet.

Due to the physical restraints of the existing Culver's restaurant, the proposed side-by-side drive-thru allows for three (3) spaces per lane preceding the menu boards, as opposed to the code required five (5) spaces. The unique shape of the parcel and orientation of the existing building limits the space on site to accommodate required queuing for the drive-thru. To alleviate this restraint, the proposed project is seeking approval of an additional drive-thru lane and menu board, thereby increasing the amount of existing queuing spaces.

The total stacking preceding the menu board will be increased from five (5) spaces to six (6) spaces total with the construction of the second drive-thru lane. As proposed and indicated on the site plan, each drive-thru lane will accommodate the stacking of three vehicles before the menu board. Although requesting a deviation from the LDC, it is reasonable to conclude that the intent of this request for relief is aligned with the intent of the code. Both the code and this request work to provide adequate stacking on-site so as to enable efficient vehicular flow throughout the development. This is best achieved through the addition of a second drive-thru lane and associated menu board.

III. Lee Plan Compliance Analysis

The proposed project meets the following Lee Plan Objectives and Policies:

Future Land Use Element Policy 1.1.3

The Central Urban future land use category can best be characterized as the “urban core” of the County. These areas are already the most heavily settled and have, or will have, the greatest range and highest levels of public services.

The proposed project is in the Central Urban Future Land Use designation and meets this policy by providing additional stacking spaces to accommodate the traffic and vehicle volume that is present in the “urban core” of the County.

Future Land Use Element Objective 2.1

Contiguous and compact growth patterns will be promoted through the rezoning process to contain urban sprawl, minimize energy costs, conserve land, water, and natural resources, minimize the cost of services, and prevent development patterns where large tracts of land are by-passed in favor of development more distant from services and existing communities.

The proposed project meets this policy by proposing to improve the existing development by accommodating more drive-thru customers. By improving the existing development where services are already in place, energy and materials can be conserved.

Future Land Use Element Policy 6.1.11

Encourage the upgrading or revitalization of deteriorating commercial areas, but prohibit the expansion or replacement of commercial uses which are inappropriately located or that have an adverse impact on surrounding residential and non-residential uses. Such revitalization includes, but is not limited to: store-front renewal, sign control, and the provision of common parking areas and consolidated access.

The proposed improvements to the existing commercial development are compatible with the surrounding land uses and will enhance the access and vehicular flow through the site. Therefore, the proposed project meets the intent of this policy and will not have an adverse impact on surrounding uses.

Future Land Use Element Policy 34.2.2

Maintain development standards for commercial developments to be designed as to support a walkable, multimodal community with transportation facilities that provide for the needs of pedestrians, cyclists, transit riders, and drivers by providing:

- a) Interconnection of adjacent commercial uses in order to minimize vehicular access points on primary road corridors;

- b) Parking at the rear of the developments;
- c) Pedestrian connections such as sidewalks, trails, crosswalks, walkways and entrances, signalized and or lighted crossings, shade, and other pedestrian elements;
- d) Bike facilities such as bike racks, bike lanes, and bike ways;
- e) Transit resources such as shelters, well serviced transit lines, and intermodal connection facilities;
- f) Improved network connections to Tice Street; and
- g) Intersection improvements along Palm Beach Boulevard, Ortiz Avenue, and Tice Street

The proposed site improvements include the addition of bike racks, thereby meeting (d) of this policy. The proposed improvements further meet this policy by improving the vehicular stacking on-site, which will help alleviate access issues for pedestrians and bikers who may have had to navigate around the vehicle stacking previously.

The News-Press media group

news-press.com A GANNETT COMPANY

Attn:

KIMLEY-HORN
12740 GRAN BAY PARKWAY WEST, SUITE 2350
JACKSONVILLE, FL 32258

State of Wisconsin, County of Brown:

Before the undersigned authority personally appeared

Shelly Hore

, who on oath says that
 he or she is a Legal Assistant of the News-Press, a daily
 newspaper published at Fort Myers in Lee County, Florida; that
 the attached copy of advertisement, being a Legal Ad in the
 matter of

Notice of Meetings

In the Twentieth Judicial Circuit Court was published in said
 newspaper editions dated or by publication on the newspaper's
 website, if authorized, on:

08/19/2022

Affiant further says that the said News-Press is a paper of
 general circulation daily in Lee County and published at Fort
 Myers, in said Lee County, Florida, and that the said newspaper
 has heretofore been continuously published in said Lee County,
 Florida each day and has been entered as periodicals matter at
 the post office in Fort Myers, in said Lee County, Florida, for a
 period of one year next preceding the first publication of the
 attached copy of advertisement; and affiant further says that
 he or she has never paid nor promised any person, firm or
 corporation any discount, rebate, commission or refund for the
 purpose of securing this advertisement for publication in the
 said newspaper.

Sworn to and Subscribed before me this 30th of August 2022,
 by legal clerk who is personally known to me.

Shelly Hore
 Affiant

Nicole Jacobs
 Notary State of Wisconsin, County of Brown

8-21-26
 My commission expires

NOTICE OF COMMUNITY MEETING THURSDAY, SEPTEMBER 1, 2022 AT 10:00 A.M.

NOTICE OF LEHIGH ACRES COMMUNITY
 PLANNING AND DESIGN REVIEW PUB-
 LIC PARTICIPATION MEETING REGARD-
 ING Culver's of Lehigh Acres Adminis-
 trative Deviation is scheduled for Sep-
 tember 1, 2022, at 10:00 am at 2511
 Lee Blvd, Lehigh Acres, FL 33971. The
 purpose of this meeting is to discuss
 the Administrative Deviation request
 for relief from LCLDC Sec. 34-2021(d)
 which requires stacking lanes to accom-
 modate ten cars per service lane, with a
 minimum of five spaces preceding the
 menu board.

NOTICE IS HEREBY GIVEN THAT a com-
 munity meeting will be held to discuss
 the proposed Administrative Deviation
 on Thursday, September 1, 2022, at
 10:00 am at Culver's of Lehigh Acres lo-
 cated at 2511 Lee Blvd, Lehigh Acres,
 FL 33971. The public is welcome to at-
 tend and participate. If you are unable
 to attend and would like further infor-
 mation about the Administrative Devi-
 ation please contact Josh Cockriel at
 904-828-3900 or josh.cockriel@kimley-h
 orn.com or Dirk Danley Jr. at ddanley2
 @lee.gov.com.
 AD# 5379386 August 19, 2022

NICOLE JACOBS
 Notary Public
 State of Wisconsin

of Affidavits: 1

This is not an invoice

LDO2022-00280 - Culver's of Lehigh Acres - Culvers Neighborhood Meeting Minutes

Meeting Time: 10:00am

Meeting Date: 9/1/2022

Meeting Location: 2511 Lee Blvd, Lehigh Acres, FL 33971

Attendees:

Tami Baker - LAAPZRB

Justin Lawler – Culver's Manager

Hosted by:

Sina Ebrahimi – Kimley-Horn and Associates

Summary:

1. No issues were presented during the meeting.
2. It was discussed that improvements will help alleviate vehicle queuing of drive thru.