



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.