



REQUEST STATEMENT

Heritage Oaks Professional Center

Variance

±1.09 ACRES

STRAP #: 2-29-43-01-010-0043-001.0

100 N Lee Street, LaBelle, FL 33935

PROJECT OVERVIEW

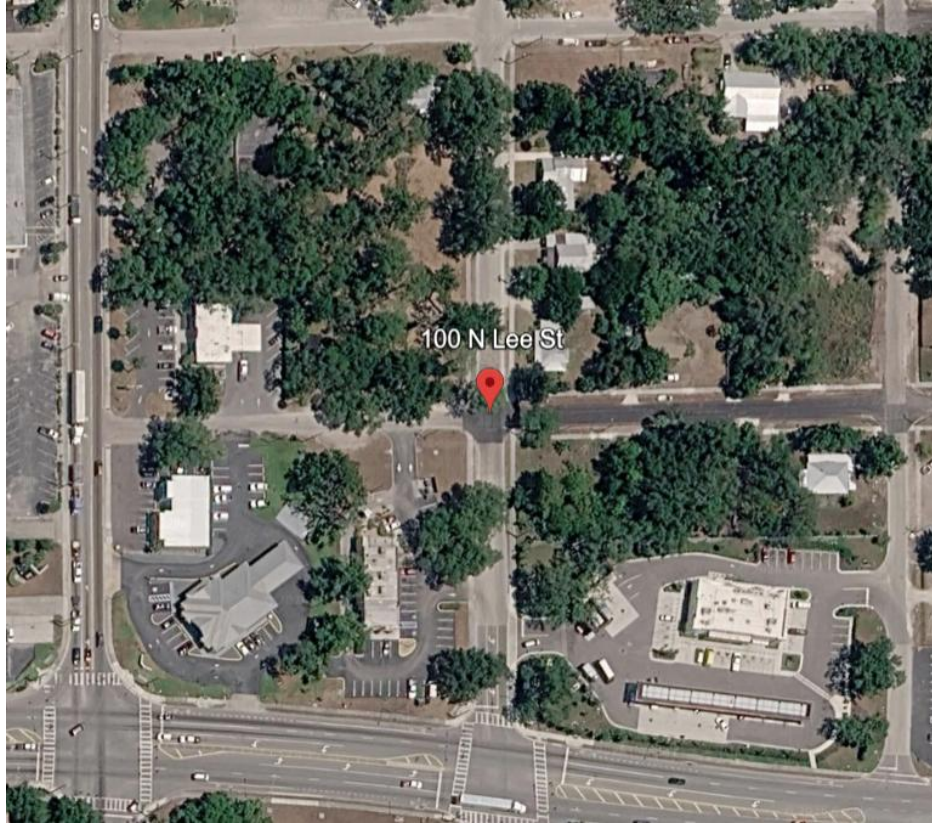
The Applicant proposes the development of a commercial /office project on approximately 1.09 acres located at 100 N Lee Street. The property is designated and zoned Downtown Business District (DBD) and is intended to support the development and infill development that contributes to a pedestrian-oriented downtown environment.

To facilitate reasonable development of the property while maintaining consistency with the intent of the Downtown Center regulations, the Applicant requests variances from Sections 4-71.12.2.1 (Build-to Line Requirements) and 4-71.13.3 (Frontage Percentage Requirements) of the Hendry County Land Development Code. to allow the parking area to be located between the building and N. Lee Street and to allow the principal building to be setback beyond the required build-to line. As part of the application, the applicant is also requesting approval to remove several significant oak trees currently on the property

SITE AND LOCATION

The subject property is located in the City of Labelle, identified by Hendry County Folio # 2-29-43 01-010-0043-001.0. The property is located at the southwest corner of N Lee Street and E Yeomans Ave. N Lee Street and E Yeomans Ave carry local road classifications.

The property is currently vacant and undeveloped. To the north of the subject property is an office; to the east of Lee Street are single-family dwellings; to the south of Yeomans Avenue is the Taco Bell & KFC restaurant; and the west is Little Caesars



REQUEST

The applicant is proposing to develop a new flex office building on a ± 1.09 -acre vacant site. The project includes a single 10,098-square-foot office building along with associated parking, landscaping, and site infrastructure improvements. Access to the site would be provided by one driveway connecting to N. Lee Street, serving both ingress and egress. The site currently contains twenty-eight (28) trees. As part of the development, twelve (12) existing trees will be preserved, sixteen (16) trees will be removed, and nineteen (19) new trees will be planted throughout the property. The proposed use is intended to be consistent with the Downtown Business District / Downtown General land use designation.

Variance Request Justification

While the Downtown regulations are intended to create a pedestrian-oriented streetscape, strict application of the build-to line and frontage requirements would significantly limit site design flexibility and result in additional impacts to several mature oak trees that the Applicant is seeking to preserve. Locating the building farther back on the site allows for a more efficient layout that balances tree preservation, parking, circulation, stormwater management, and the functional needs of the proposed office use.

The requested variances represent the minimum relief necessary to develop the property in a reasonable manner while retaining a meaningful portion of the existing tree canopy and enhancing the site with new landscaping. Although the building will not be located within the prescribed build-to

zone, the project will improve the currently vacant property, provide new professional office space, preserve twelve existing trees, and introduce nineteen new trees that will contribute to the long-term character and appearance of the site.

Approval of the requested variances will allow for quality redevelopment that remains consistent with the overall intent of the Downtown Business District while responding to the unique physical characteristics of the property.

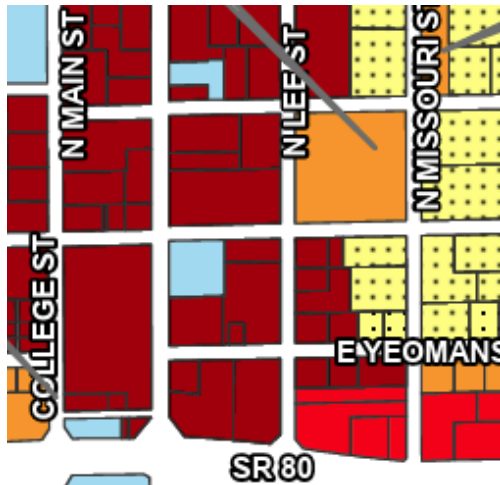


LAND USE AND ZONING

In the Downtown Walking District Future Land Use, currently zoned Downtown Business District-Downtown General.

Downtown General Zone consists of mixed use but primarily residential urban fabric. It may have a wide range of building types: single, side yard, and rowhouses. Setbacks and landscaping are variable. Streets with curbs and sidewalks define medium-sized blocks.

Mix of houses, townhouses & small apartment buildings, with scattered commercial activity; balance between landscape and buildings; presence of pedestrians



SECTION 3-22 - VARIANCE APPROVAL CRITERIA.

The Heritage Oaks Professional Center project complies with the conditions and procedures appropriate to support the variance as follows:

Before making a finding on an application for a variance, the city commission shall first determine that the proposed variation in the application of this code will not:

a. Unique or peculiar conditions or circumstances exist, which relate to the location, size, and characteristics of the land or structure involved, and are not generally applicable to other lands or structures in the same district.

Response: The subject property is a small ±1.09-acre infill parcel located at a prominent corner within the Downtown Business District. The site's constrained size, irregular development context, and adjacency to both commercial and residential uses create unique site planning challenges not typically present on larger or more regularly configured parcels. In addition, the presence of several significantly protected oak trees further limits developable areas and constrains building placement, parking configuration, and site circulation.

b. The strict and literal enforcement of the zoning section of the land development regulations would create an undue hardship as distinguished from a mere inconvenience on the property owners. Physical handicaps or disability of the applicant and other considerations may be considered where relevant to the request



Response: Strict application of the zoning and landscaping/tree preservation requirements would substantially limit the reasonable development potential of the site, given the required building footprint, parking needs, stormwater infrastructure, and circulation requirements for flex office building use. The constraints imposed by existing significant oak trees and dimensional standards create conflicts that prevent efficient site layout without minor relief. Without the requested variance, the property cannot be developed in a manner consistent with the intended Downtown Business District designation.

c. The granting of a variance would not be injurious to or incompatible with contiguous uses, the surrounding neighborhood, or otherwise detrimental to the public welfare.

Response: The proposed flex office building development is compatible with surrounding uses, which include existing office, institutional, and commercial restaurant uses, as well as nearby residential dwellings. The project represents an infill development consistent with the Downtown Business District character and is expected to enhance the area through improved site conditions, landscaping, and modernized commercial use. Any impacts associated with tree removal and site development will be mitigated through required landscaping, buffering, and compliance with applicable stormwater and design standards.

d. The condition giving rise to the requested variance has not been created by any person presently having an interest in the property and the conditions cannot reasonably be corrected or avoided by the applicant.

Response: The existing site conditions, including the location of significant protected oak trees and the parcel's dimensional constraints, predate the current application and were not created by the applicant. These conditions are inherent to the property's natural features and historic development pattern. Avoidance of the requested variance would require either elimination of the proposed use or a substantial reduction in development yield that is not reasonably feasible within the zoning designation and market expectations for this type of infill parcel.

e. The requested variance is the minimum modification of the regulation at issue that will afford relief.

Response: The requested variance is the minimum relief necessary to allow reasonable development of the property. The site plan has been designed to balance building placement, parking requirements, access, stormwater management, and tree preservation while minimizing deviations from the Downtown standards. No additional variances are requested beyond those necessary to accommodate the proposed layout.

f. The variance granted will not confer on the applicant any special privilege that is denied by these regulations to other lands, structures, or required improvements under similar conditions.

Response: Approval of the requested variance would not confer any special privilege, as it is based on site-specific physical and environmental constraints unique to the property, including its infill location, limited acreage, corner configuration, and presence of significant protected trees. Any similarly situated property with comparable constraints would be eligible for similar consideration under the same

standards. The request ensures equitable application of the code by allowing reasonable use of a constrained infill parcel consistent with the Downtown Business District intent.

Significant Oak Tree Removal

This application includes a request to remove Significant Oak Trees as defined in the Land Development Code, Appendix B, Section 2-4. The subject property contains 28 trees within the proposed ± 1.09 -acre site that meets this definition. Through careful site design, the applicant has been able to preserve 12 larger trees that are in good health and that will complement the proposed building and associated site elements. While this may initially appear as a small number of trees being preserved, examining the current site design and today's development patterns can demonstrate the need for removal of these trees as well as the care taken to preserve trees to the greatest extent possible.

The subject property stands vacant and the trees on site have had ± 35 years of growth that is reflected in their size. The majority of these trees are located in areas of the property that restrict reasonable development to the property. Today's cost of development would preclude development in this manner and require the maximization of the development of property for efficiency not only of dollars but of land itself. Today's development requires more parking, perimeter buffers and water management features that were not considered in 1985. All of these design elements come into play when attempting to preserve exceptional vegetation.

The proposed site plan reflects creativity and a clear attempt to preserve as many of these trees as possible. The access from N. Lee Street has been configured to preserve two larger Live Oaks and one Laurel in the east property line while still accommodating the required water management for the site. The building and associated parking have been designed to incorporate several existing Live Oaks on the property line to be aesthetically pleasing along the ROW and abutting parcels.





The Land Development Code Appendix B, Section 4-80.16.4.2 establishes four criteria for tree removal approval by the City Commission:

1. The applicant shall demonstrate that the significant oak tree(s) prevents the reasonable development of the site; and

The subject property consists of approximately ± 1.09 acres and contains two street frontages, creating a unique and valuable commercial development opportunity. The location of the significant oak trees substantially limits the site's ability to accommodate a commercially viable development that meets current market demands, operational requirements, and applicable development standards. The proposed site design has been developed with consideration for tree preservation to the greatest extent practicable while still allowing for the reasonable use and development of the property

2. That relief from other land development code requirements, such as reduced setbacks or parking lot layout, are not reasonable alternatives for tree preservation; and

The applicant evaluated potential alternatives, including modifications to building placement, parking lot configuration, internal circulation patterns, and reductions to setback requirements where feasible. These alternatives were determined to be impractical because they would significantly constrain the functionality, safety, efficiency, and economic viability of the proposed development. As a result, preservation of the subject significant oak trees is not compatible with the reasonable development of the property.

3. That any approval for significant oak tree removal or relocation be granted by the City Commission does not adversely impact adjacent properties; and

The proposed removal of the significant oak trees will not create adverse impacts on adjacent properties. The development will remain subject to all applicable landscaping, buffering, drainage, and site design requirements intended to protect neighboring properties and maintain compatibility with surrounding land uses.

4. Demonstration of the required mitigation in accordance with Section 4-80.16.5.

Pursuant to the Land Development Code, mitigation for removed trees is required on a one-to-one basis, resulting in a requirement to plant sixteen (16) replacement Live Oak trees. The applicant proposes installing approximately nineteen (19) Live Oak trees on-site, exceeding the minimum mitigation requirement.

However, due to spacing requirements necessary to ensure the long-term health, growth, and natural form of the replacement trees, the final number of trees that can be reasonably accommodated may vary based on field conditions encountered during construction. Accordingly, the applicant requests that the final mitigation count be verified during the construction phase. Should site constraints prevent installation of all required replacement trees, the applicant requests authorization to satisfy any remaining mitigation obligation through payment of a fee in lieu of planting, as permitted by the City