DSO ADMINISTRATIVE DEVIATION
LEE COUNTY, FLORIDA

WHEREAS, Waldrop Engineering, P.A. has filed an application on behalf of Taylor Morrison of Florida, Inc. for approval of an Administrative Deviation from the technical requirements of the Lee County Land Development Code for *Tortuga*, which property is located at 15000-060 Sandpiper Preserve, Fort Myers, FL 33919, described more particularly as:

LEGAL DESCRIPTION
See attached Exhibit "A"; and

WHEREAS, the applicant has indicated that the property's current STRAP number(s) are 33-45-24-00-00001.0000; and

WHEREAS, the property is zoned RM-8; and

WHEREAS, an application for an administrative deviation from technical requirements of Chapter 10 of the Lee County Land Development Code has been filed; and

WHEREAS, Lee County Land Development Code, as amended, provides for administrative deviation from certain technical requirements for matters involving streets, access streets, intersections, rights-of-way, drainage swales, public water, public sewer, water mains, mass transit facilities, setbacks for water retention/detention excavations, indigenous native vegetation, landscaping of vehicle use areas and site design standards and guidelines for commercial developments and similar matters not related to a change in use of the property in question; and

WHEREAS, deviations are requested in the RM-8 district from Lee County Land Development Code Section 10-261 Refuse and Solid Waste Disposal Facilities, to reduce the number of provided dumpster enclosures from five (5) to four (4) enclosures.

WHEREAS, the subject application, engineer's representations, and sealed engineering plans have been reviewed by the *Lee County Development Services Division* and *the Division of Solid Waste,* in accordance with applicable regulations for compliance with all terms of the administrative deviation approval; and

WHEREAS, the following findings of fact are offered:

a) That the proposed alternative to reduce the number of solid waste and recycling enclosures is based on sound engineering practice as follows:

(i) The condition is internal to the Tortuga development, so there will be no external impacts on County facilities.

(ii) Based upon application and analysis of the built condition and as confirmed by the Division of Solid Waste, the four existing enclosures adequately serve the needs of the development.

(ii) Sufficient area is provided within the existing enclosure facilities to install larger containers, thus increasing the capacity of the existing facilities accordingly.

c) That said proposed alternative is no less consistent with the health, safety, and welfare of abutting land owners and the general public than the standard from which the deviation was requested; and

d) The granting of the deviation is not inconsistent with any specific directive of the Board of County Commissioners, any other ordinance, or any Lee Plan Provision.

NOW, THEREFORE, IT IS HEREBY DETERMINED that the application for an Administrative Deviation in the RM-8 zoning district from the Lee County Land Development Code, Section 10-261 Refuse and Solid Waste Disposal Facilities, to reduce the number of provided dumpster enclosures from five (5) to four (4) enclosures is APPROVED, limited by the following conditions:

a) That approval is subject to approval of a Minor Change to the approved Development Order (DOS2006-00234) to depict the location of the four provided enclosures and to remove one from the plans. The minor change must specify that the dumpster containers will be “up-sized” from 8 CY enclosures to 10 CY enclosures.
b) Per recommendations of the Solid Waste Operations Manager, Division of Solid Waste, the Lee County Environmental Inspector will continue to monitor the Tortuga development for sufficient service. An increase in the frequency of collection service may be warranted if trash is found on the ground; and
c) That approval is limited to lands herein described.
d) **If it is determined that inaccurate or misleading information was provided to the County or if this decision does not comply with the LDC when rendered, then, at any time, the Director may issue a modified decision that complies with the Code or revoke the decision. If the approval is revoked, the applicant may acquire the necessary approvals by filing an application for public hearing in accordance with Chapter 34.**

Duly passed, adopted, and electronically signed on 12/1/2014 by

Benjamin Dickson, Acting Director
Lee County Development Services Division