# APPLICATION FOR ADMINISTRATIVE DEVIATION FROM CHAPTERS 10 AND 33 IN UNINCORPORATED AREAS ONLY

**[LDC Section 10-104 and Chapter 33]**

**Project Name:** Tortuga

**Request:** Administrative Deviation from LDC Section 10-415(b)(5) to modify on-site restoration areas.

1. **Name of Applicant:** Taylor Morrison of Florida, Inc. c/o John Asher
   Address: 501 North Cattlemen Road, Suite 200
   City, State, Zip: Sarasota, FL 34232
   Phone Number: (941) 371-3008 E-mail: jasher@taylormorrison.com

2. **Relationship of Applicant to owner (check one) and provide Affidavit of Authorization form:**
   [X] Applicant is the sole owner of the property. **[34-201; 34-204]**
   [ ] Applicant has been authorized by the owner(s) to represent them for this action. **[34-202; 34-204)]**

3. **Authorized Agent: (If different than applicant) Name of the person who is to receive all County-initiated correspondence regarding this application. [34-202; 34-204]**

   a. **Company Name:** Waldrop Engineering, P.A.
   Contact Person: Lindsay Rodriguez
   Address: 28100 Bonita Grande Dr. Suite 305
   City, State, Zip: Bonita Springs, FL 34135
   Phone Number: (239) 405-7777 ext. 232 E-mail: lindsay.rodriguez@waldropengineering.com

   b. **Additional Agent(s):** Provide the names of other agents that the County may contact concerning this application. **[34-202; 34-204]**

4. **Property owner(s): If multiple owners (corporation, partnership, trust, association), provide a list with owner interest. [34-201; 34-204]**
   Name: Same as Applicant.
   Address:
   City, State, Zip:
   Phone Number: E-mail:

5. **Disclosure of Interest [34-201; 34-204]:**
   [X] Attach Disclosure of Interest Form. **[34-201; 34-204]**

6. **STRAP Number(s) [34-204]:**
   33-45-24-00-00001.0000

7. **Street Address of Property:** 15000-060 Sandpiper Preserve Blvd., Fort Myers, FL 33919

**LEE COUNTY COMMUNITY DEVELOPMENT**
**PO BOX 398 (1500 MONROE STREET), FORT MYERS, FL 33902**
**PHONE (239) 533-8585**

**8. Legal Description (must submit one):**

☒ Legal description (metes and bounds) and sealed sketch of the legal description. **[34-204]**

**OR**

☒ Legal description (NO metes and bounds) if the property is located within a subdivision platted per F.S. Chapter 177, and is recorded in the Official Records of Lee County under Instruments or Plat Books. (Click here to see an example of a legal description with no metes and bounds.) **[34-204]**

**9. Use(s) of Property [34-204]:**

**a.** Current uses of property are:
Residential

**b.** Intended uses of property are:
Residential

**10. Lee Plan (Future Land Use) Designation of Property [34-204]:**
Urban Community

**11. Current Zoning of Property [34-204]:**
RM-8

**12. Property Dimensions [34-204]:**

**a.** Width (average if irregular parcel): 865+/- Feet
**b.** Depth (average if irregular parcel): 1,245+/- Feet
**c.** Total area: 16.56 acres Acres or square feet

**13. Current Use of the Adjacent Properties** (briefly describe):

**North:** Single-family residential (Casa Del Mar)
**East:** Multi-family residential (Villages of Ascot)
**South:** Public right-of-way (Gladiolus Drive)
**West:** Public right-of-way (A&W Bulb Rd.); Lee County Owned Lands

**14. Public Hearings:** Has a public hearing for any purpose been held regarding the subject property within the last 12 months?

☒ **NO**
☐ **YES** – If **YES**, please provide the following information regarding the hearing:
a. Name of Applicant:
b. Date of Hearing:
c. Case Number:
d. Type of Request:
e. Result/Disposition of Hearing:

**15. Local Development Orders:** Has an application for a Development Order been filed with Lee County Department of Community Development?

☐ **NO**
☒ **YES** – If **YES**, please provide the following information:
a. Name of Applicant: Waldrop Engineering, P.A.
b. Lee County DOS Application #: DOS2006-00234
c. Current Status of DOS Application: Approved

16. **Specific Request:** Indicate the Section(s) of Lee County Land Development Code from which the administrative deviation approval is sought [please check the appropriate selection(s)]:

- ☐ Section 10-261 (refuse and solid waste disposal facilities)
- ☐ Section 10-283 (access streets)
- ☐ Section 10-285 (intersection separations)
- ☐ Section 10-296, Table 2 (ROW widths - County maintained streets)
- ☐ Section 10-296, Table 3 (ROW widths - private streets)
- ☐ Section 10-296(d)(3) (drainage and 10-296(e) through (i) road specifications)
- ☐ Section 10-296(l) (horizontal curves)
- ☐ Section 10-296(o) (intersection designs)
- ☐ Section 10-296(p) (cul-de-sacs)
- ☐ Section 10-322 (swale sections)
- ☐ Section 10-329(d)(1)a.2.&a.3 (Water excavation setbacks)
- ☐ Section 10-329(b)(4)a. (excavation bank slopes)
- ☐ Section 10-352 (public water)
- ☐ Section 10-353 (public sewer)
- ☐ Section 10-385(c) (water mains)
- ☒ Section 10-415(b)(5) (Indigenous native vegetation)
- ☐ Section 10-416(c) Landscaping of parking and vehicle use areas
- ☐ Section 10-418(3) (surface water management systems; limited to the prohibition of hardened structures behind single family residences for restriction of existing lake bank slopes as provided in section 10-329(d)(4)b)
- ☐ Section 10-441 (mass transit facilities)
- ☐ Section 10-610 (site design standards and guidelines for commercial developments)
- ☐ Section 10-716 (piping materials in right of way)
- ☐ Chapter 33 (if permitted) Section(s): _____

17. **Explanation and Justification of Request:** Explain the proposed request and why the administrative deviation is needed. For each deviation requested, provide an explanation as to how the deviation satisfies the criteria provided in 10-104(b). **[10-104]**

(1) The request is based on sound engineering practices (not applicable to sections 10-352, 10-353 and division 7, article III, chapter 10);

(2) The request is no less consistent with the health, safety and welfare of abutting landowners and the general public than the standard from which the deviation is being requested;

(3) For division 7, article III, chapter 10, the required facility would unnecessarily duplicate existing facilities;

(4) The granting of the deviation is not inconsistent with any specific policy directive of the Board of County Commissioners, any other ordinance or any Lee Plan provision; and

(5) For sections 10-352 and 10-353, the utility that would otherwise serve the development cannot provide the service at the adopted level of service standard due to an inadequate central facility.

18. **Plans:**

**a.** Provide a 24”x36” plan that is sealed and dated by a registered professional engineer, that accurately reflects the applicant's alternative proposal {not required for deviations requested from LCLDC Sections 10-415(b)(5) or 10-416(c)}.

**b.** **For indigenous open space and parking lot landscaping deviations,** {LCLDC Section 10-415(b)(3) and Section 10-416(c)}, provide a 24"x36" plan signed, sealed and dated by a registered landscape architect, that accurately reflect the applicant's alternative proposal. **[10-104]**

19. **Other Requested Documentation:** Any other materials and/or calculations requested by the Director of Development Services to aid in the decision. **[10-104]**

**SUBMITTAL REQUIREMENT CHECKLIST**

***Clearly label your attachments as noted in bold below.***

| | | |
|---|---|---|
| ☒ | Completed application [34-204] | |
| ☒ | Filing Fee [34-204] | |
| ☒ | **Affidavit of Authorization** Form [34-204; 34-202] | |
| ☐ | **Additional Agents** [34-204; 34-202] | |
| ☐ | **Multiple Owners** List (if applicable) [34-201; 34-204] | |
| ☒ | **Disclosure of Interest** Form [34-204; 34-201] | |
| ☒ | **Legal description (must submit one)** [34-202, 34-204] | |
| | ☒ | Legal description (metes and bounds) and sealed sketch of legal description |
| | | **OR** |
| | ☒ | Legal description (NO metes and bounds) if the property is located within a subdivision platted per F.S. Chapter 177, and is recorded in the Official Records of Lee County under Instruments or Plat Books. (Click here to see an example of a legal description with no metes and bounds.) |
| ☒ | Explanation and **Justification** of Request [10-104] | |
| ☒ | **Alternate Proposal** Plan [10-104] | |
| ☐ | **Other** Requested Documentation (as may be required) [10-104] | |

**Note:** All information submitted with the application becomes a part of the public record and will be a permanent part of the file. Department staff will review this application for compliance with requirements of the Lee County Land Development Code. The applicant will be notified of any deficiencies.

Acceptance of an application for an administrative deviation in no way guarantees its approval. If the Director determines that the requested deviation is beyond the scope of Land Development Code Section 10-104 and that a public hearing is necessary, then all fees paid toward the administrative application may be applied toward an application for public hearing.

The Director's decision on an administrative deviation is final and can not be appealed. In the event the Director denies the request, the applicant's only recourse is to apply for a public hearing. No fees paid for the administrative deviation will be refunded or applied towards the public hearing.

If it is determined that inaccurate or misleading information was provided to the county or the decision does not comply with the Land Development Code 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.