



September 19, 2022

Lee County Land Development
eConnect@leegov.com

RE: Explanation and Justification of Request [10-104(b)]
- **Southern 15' Landscape Buffer Reduction [Sec. 10-416(d)]**
- **No Need to Provide Majestic Palms RTL [Sec. 10-296(j)]**
McAlister's Deli-Island Pass Shopping Center
Lee County Project No. DOS2021-00135
STRAP No. 314524L4650000060
SEG Project No: 2390-1

To whom it may concern,

This signed and sealed Narrative Report is meant to serve as explanation and justification for the deviations on the above-mentioned project to deviate from three (3) items:

- 1. Southern 15' Landscape Buffer Reduction [Sec. 10-416(d)]**
- 2. No Need to Provide Majestic Palms RTL [Sec. 10-296(j)]**

Existing Conditions

The site is currently a vacant commercial outparcel within the Island Pass Shopping Center master development.

Proposed Improvements

The project proposes a McAlister's Deli to be constructed on the outparcel, with two (2) access points to private drive aisles, within the master development. The project connects to existing water, sewer, and storm stub-outs, previously constructed as part of the master development.

Deviation #1

As coordinated with staff, the site is required to provide a 15' landscaping buffer along the western and southern access roadways. While the western buffer is provided at the required size, the southern buffer is reduced to 5'. Explanations are provided below that show how the deviation satisfies the criteria provided in 10-104(b).

- (1) The request is based on sound engineering practices (not applicable to sections 10-352, 10-353 and division 7, article III, chapter 10); **Due to the fact that the two (2) access roads are partially on the subject site, the overall buildable area is reduced. Because of this, the site layout has been condensed as much as possible to allow for a strip of landscaping on the southern side. We have also made sure that there are no parking spaces or dumpster aprons backing out into the access roadways. We feel that this layout promotes sound engineering practice to both utilize the buildable area and still provide a landscaping strip along the access roadway.**
- (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; **We feel that the current landscaping provided both in the western 15' landscape buffer and the southern 5' landscape buffer goes above and beyond that landscaping provided by the neighboring developments on the south and west. Because of this, the requested deviation is indeed no less consistent with the health, safety, and welfare of the abutting landowners.**



- (3) For division 7, article III, chapter 10, the required facility would unnecessarily duplicate existing facilities; **As the proposed development does not duplicate any existing facilities on-site, this does not apply to our site.**
- (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 **The adjacent parcels are not providing perimeter buffering, on some sides of their respective property lines. Because of this, we feel that the request to reduce the 15' landscape buffer to 5' is still consistent with the overall condition within the Island Pass Shopping Center. It must be noted that the required plantings for the 15' buffer are still provided. It is only the size of the land that is requested to be reduced.**
- (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. **Reducing the size of the southern landscape buffer does not affect the project's utility service.**

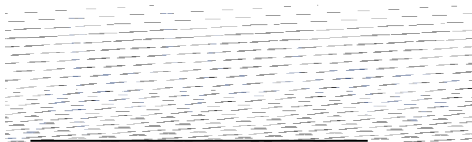
Deviation #3

The current traffic study states the need for an eastbound right turn lane at the Majestic Palms Blvd./San Carlos Blvd. intersection. As coordinated with staff, the site does not have capacity and/or authority to provide this turn lane. Per Administrative Code AC-11-4, the Directors may grant a deviation from this policy in part or in whole after finding that any of the following conditions make compliance infeasible.

- (1) Roadway and driveway geometry does not permit the installation of a left or right turn lane or dictates deviations from design standards; or **This applies to this deviation request as the area where this turn lane would need to be placed, is heavily occupied by utility boxes, traffic devices and a public sidewalk. Designing a turn lane at this location would mean that typical county design standards would have to be sacrificed.**
- (2) Right-of-way constraints do not permit the installation of a left or right turn lane, or dictate deviations from design standards; or **This applies to this deviation request as the current McAlister's applicant does not own/control the land where this right turn lane would need to be placed and therefore is not in a position to dedicate additional right of way. As it currently stands, there is not enough right of way to construct the turn lane.**
- (3) Land uses, such as churches or unconventional developments, where the traffic generation patterns do not make the lane warrants applicable; or **This does not apply to this deviation request.**
- (4) Existing topographic features would cause construction of a turn lane to be prohibitively expensive, or dictate deviations from design standards; or **This applies to this deviation request as construction of a right turn lane would include unfair expenses to the current applicant. Numerous utility and traffic pole relocations would be required.**
- (5) Unusual roadway features would cause a turn lane to be detrimental to the health, safety and general welfare of the traveling public. **This applies to this deviation request as construction of a turn lane at this location would force an unusual modification to the adjacent sidewalks, which would therefore cause a safety concern for pedestrians crossing both Majestic Palms Blvd. and San Carlos Blvd.**

If you have any questions regarding this letter or the attachments, please call our office at (863) 800-3046 or email me at smedina@sloaneg.com.

Sincerely,
SLOAN ENGINEERING GROUP, INC



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