

**DSO ADMINISTRATIVE DEVIATION
LEE COUNTY, FLORIDA**

WHEREAS, Johnson Engineering, Inc, on behalf of Florida Freezer Limited Partnership BY its general partner, Florida Freezer, Inc, has filed an application for approval of an administrative deviation from the technical requirements of the Lee County Land Development Code, for property known as 7952 Interstate Court NE, North Fort Myers, FL; and

WHEREAS, the applicant has indicated that the property's STRAP number is 20-43-25-01-00000.0200; and

WHEREAS, the property is zoned Light Industrial (IL) and is located in the Industrial Development Future Land Use Map designation in Lee County; and

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

WHEREAS, Lee County Land Development Code (LDC), as amended, provides for administrative deviations 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 and similar matters not related to a change in use of the property in question; and

WHEREAS, a deviation is requested from Lee County Land Development Code Section 10-285(a), Table 1 which requires an intersection connection separation distance of 125 feet for local roadways in a future suburban land use designation with a speed limit less than 45 miles per hour, to allow 24 feet for the mid-way access driveway and the industrial complex second existing driveway across Interstate Court; and 97 feet for the southern driveway to the southern-most driveway to the south of the subject property, as depicted on the site plan enclosed as Exhibit "B" to remain; and

WHEREAS, Interstate Court is a county-maintained, local roadway with a speed limit of 25 miles per hour; and

WHEREAS, the subject property's access points are existing, and utilized to facilitate the safe ingress and egress of larger vehicles, and improve on-site traffic circulation; and

WHEREAS, Lee County Department of Transportation (LCDOT) has reviewed the requested administrative deviation and has recommended approval with the conditions below; and

WHEREAS, the following findings of fact are offered:

- (a) That the proposed alternative to allow the minimum connection separation distance as shown on the site plan enclosed as Exhibit "B" is based on sound engineering

practice in consideration of the following criteria:

- i The property is an older established development with existing accesses that do not meet current land development code requirements; and
 - ii The access points are on a cul-de-sac where there will be no through traffic.
 - iii Lee County Department of Transportation has reviewed the requested deviation and has no objection with the conditions below.
- (b) 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
- i The development has been existing for several years and access points have been configured as best as possible to protect public health, safety, and welfare.
- (c) 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 from Lee County LDC Section 10-285(a), Table 1 is approved as conditioned:

- (a) That approval is subject to substantial compliance with the site plan entitled “Deviation Alternative”, signed and sealed 06/28/2023 by Tyler M. Sharp., P.E. and attached as Exhibit “B”; and**
- (b) 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.**

Exhibits

Exhibit A – Legal Description

Exhibit B – Deviation Exhibit

Duly passed, adopted, and electronically signed on 8/12/2023

Ohdet Kleinmann, Interim Development Services Manager

LEGAL DESCRIPTION

I-75 BAYSHORE ROAD INDUSTRIAL PARK PLAT BOOK 34 PAGE 45 LOTS 20-25, A SUBDIVISION, LOCATED IN SECTION 20, TOWNSHIP 43 EAST, RANGE 25 SOUTH, ACCORDING TO THE PLAT THEREOF ON FILE AND RECORDED IN PLAT BOOK 34, PAGE 45, OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA.

STRAP NUMBER: 20-43-25-01-00000.0200

