

ADMINISTRATIVE AMENDMENT (PD) ADD2023-00162

ADMINISTRATIVE AMENDMENT
LEE COUNTY, FLORIDA

WHEREAS, Fort Myers Industrial Owner, LLC filed an application for an administrative amendment to a Mixed Use Planned Development on a project known as Gulf Landings Logistics Center MPD (fka Younquist Trade Center and Airport Interstate Commerce Park) to request a deviation from LDC Section 10-261(a), which requires refuse and solid waste container space to be provided based on square feet of building area, to allow the minimum refuse and solid waste square footage for industrial uses to be calculated based on only the area dedicated to office space, with no building containing less than 288 square feet of container space; and

WHEREAS, the property is located at 16200 Ben Hill Griffin Parkway and 9830 Interstate Commerce Drive. The administrative amendment is described per the legal description (Exhibit "A"); and

WHEREAS, the property was originally rezoned in case number Resolution Z-02-016 (with subsequent amendments in case number Resolution Z-05-029, ADD2006-00087 ADD2007-00091, Resolution Z-18-027, Resolution Z-21-009, ADD2021-00217, and ADD2022-00206); and

WHEREAS, the subject property is in the Tradeport, Wetlands, and Industrial Commercial Interchange Future Land Use Categories as designated by the Lee Plan; and

WHEREAS, the Lee County Land Development Code provides for certain administrative changes to planned development master concept plans and planned unit development final development plans; and

WHEREAS, the applicant is requesting an alternative solid waste container square footage based on sound engineering practices; and

WHEREAS, LDC Section 10-261(a) requires solid waste and refuse containers to be sized based on the square feet of a commercial building; and

WHEREAS, the applicant is proposing industrial buildings which generate less waste because most of the building square footage is utilized as storage; and

WHEREAS, the Lee County Department of Solid Waste has reviewed the deviation request and finds that the alternative will not be a detriment to the public's health and safety; and

WHEREAS, staff has provided a condition requiring the development order to be in substantial compliance with the Dumpster Exhibit (Exhibit "C"); and

WHEREAS, the subject application and plans have been reviewed by the Lee County Department of Community Development in accordance with applicable regulations for compliance with all terms of the administrative approval procedures; and

WHEREAS, it is found that the proposed amendment does not increase density or intensity within the development; does not decrease buffers or open space required by the LDC; does not underutilize public resources or infrastructure; does not reduce total open space, buffering, landscaping or preservation areas; and does not otherwise adversely impact on surrounding land uses.

NOW, THEREFORE, IT IS HEREBY DETERMINED that the application for administrative approval to amend to the Gulf Landings Logistics Center MPD (fka Youngquist Trade Center and Airport Interstate Commerce Park) to allow a deviation from LDC Section 10-261 is **APPROVED subject to the following conditions:**

1. **Prior to the issuance of a development order for vertical development, the solid waste and refuse containers must be in substantial compliance with Exhibit "C".**
2. **The terms and conditions of the original zoning resolution and subsequent amendments thereto remain in full force and effect, except as amended herein.**
3. **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 Zoning Manager 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.**

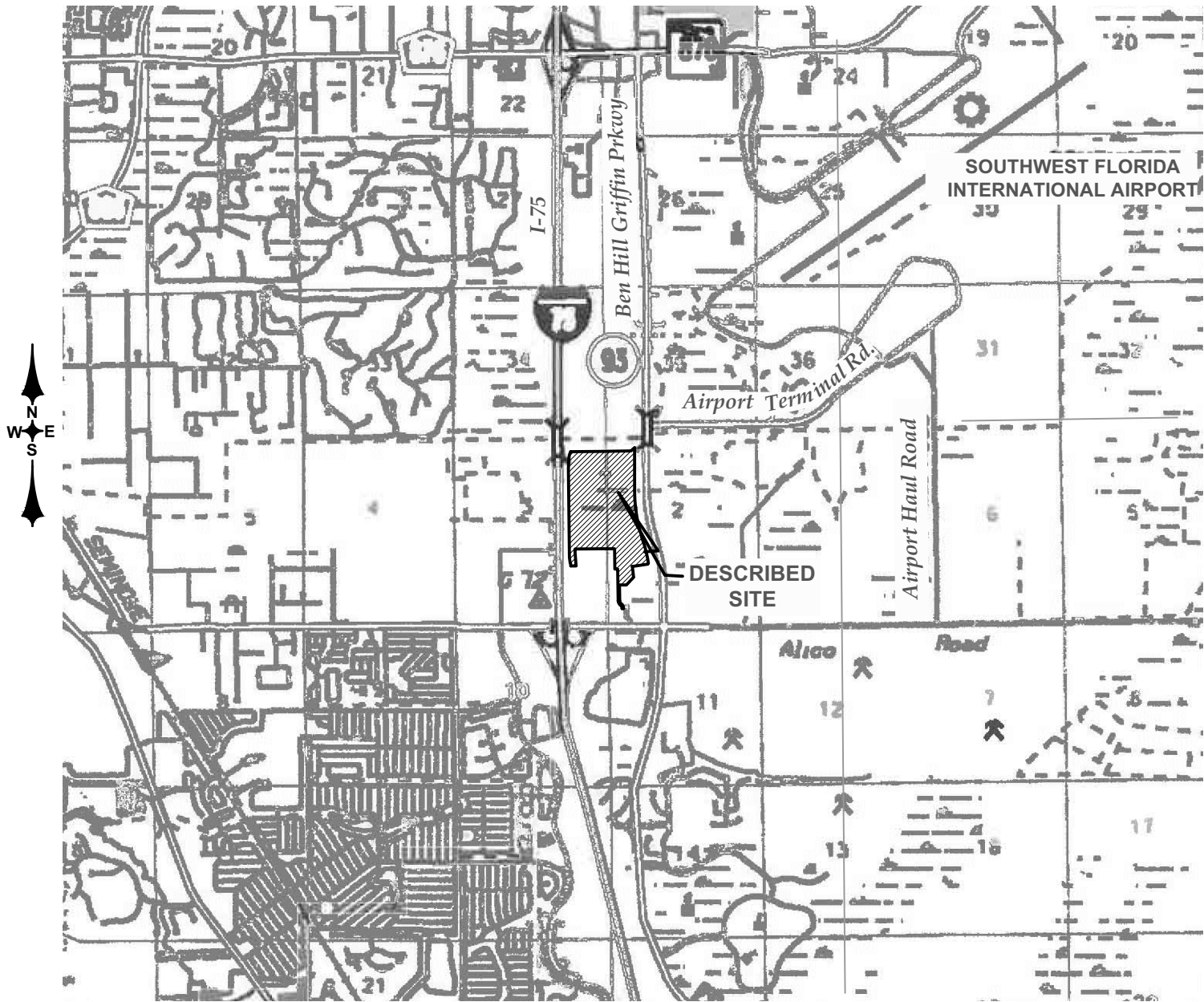
Duly passed, adopted, and electronically signed on 10/30/2023

Anthony R. Rodriguez, AICP, CPM, Zoning Manager

Exhibits:

- A. Legal Description
- B. Applicant's Narrative
- C. Dumpster Exhibit

Exhibit A



VICINITY MAP
1" = 1 MILE

ABBREVIATIONS

- C1 = CURVE DESIGNATION
- C.A. = CENTRAL ANGLE
- C.B. = CHORD BEARING
- CHD = CHORD LENGTH
- C/L = CENTERLINE
- INST. = INSTRUMENT
- L1 = LINE DESIGNATION
- LB = LICENSED BUSINESS
- NO. = NUMBER
- OR = OFFICIAL RECORDS
- PG. = PAGE
- PERP. = PERPETUAL
- P.B. = PLAT BOOK
- POB = POINT-OF-BEGINNING
- POC = POINT-OF-COMMENCEMENT
- R/W = RIGHT OF WAY
- RAD. = RADIUS
- SEC. = SECTION
- SQ.FT. = SQUARE FEET
- S.R. = STATE ROAD

SURVEYOR'S NOTES:

THE DESCRIPTION SHOWN HEREON IS NEW.

COORDINATES SHOWN HEREON BASED ON FLORIDA GRID, WEST ZONE, NAD 83-(2011).

SKETCH PREPARED IN ACCORDANCE WITH THE STATE OF FLORIDA'S STANDARDS OF PRACTICE FOR SURVEYING, RULE 5J-17 F.A.C.

ORIENTATION BASED ON THE NORTH LINE OF THE NORTHEAST-QUARTER OF SECTION 3, T.46 S., R. 25 E. AS BEARING N.89°23'14"E.

UNLESS IT BEARS THE SIGNATURE AND ORIGINAL RAISED SEAL OF THE FLORIDA LICENSED SURVEYOR AND MAPPER, AND ALL SHEETS ARE INCLUDED,THIS MAP IS NOT VALID.

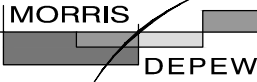
REVIEWED
ADD2023-00162
Rick Burris, Principal
Planner
Lee County DCD/Planning
10/23/2023

PREPARED BY  PSM 6347

Digitally signed by Thomas M. Rooks Jr.
Date: 2021.04.12 16:12:59 -04'00'

THOMAS M. ROOKS JR., P.S.M. DATE
FLORIDA CERTIFICATE NO. 6347

REV: UPDATE SURVEYOR SIGNATURE 04-12-2021

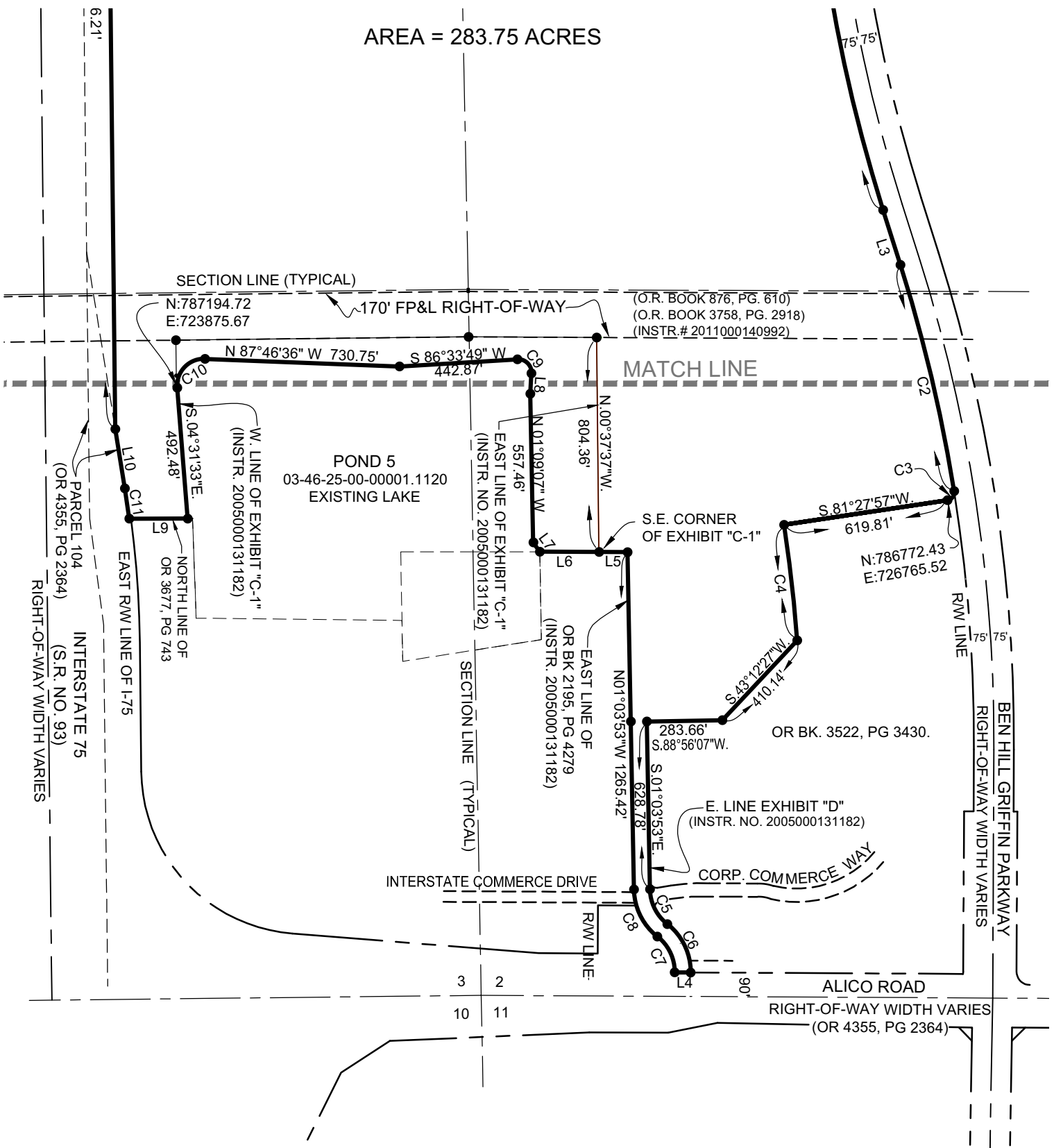
MDA PROJECT: 17037		DESCRIPTION DRAWING PARCEL OF LAND LYING IN SECTIONS 2 AND 3, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA	 MORRIS DEPEU ENGINEERS • PLANNERS • SURVEYORS LANDSCAPE ARCHITECTS FL CA NO. 6532 / FL CERT NO. LB6891 / LC26000330	- Fort Myers - Tallahassee - Destin 2917 Cleveland Ave. Fort Myers, Florida 33901 (239) 337-3993 Fax: (239) 337-3994 Toll free: 866-337-7341	
CHECKED BY: MAH	DRAWN BY: MAH				
DATE: 01-15-19					
SHEET 1 OF 4					

DESCRIPTION:
EXHIBIT "A" METES AND BOUNDS

PARCEL OF LAND LYING IN SECTIONS 2 AND 3, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
COMMENCING THE NORTHWEST CORNER OF SAID SECTION 2; THENCE S.01° 06' 33"E., ALONG THE WEST LINE OF THE NORTHWEST QUARTER (NW 1/4) OF SAID SECTION 2 FOR 200.01 FEET TO AN INTERSECTION WITH A LINE 200.00 FEET SOUTH OF (AS MEASURED AT RIGHT ANGLES) AND PARALLEL WITH THE NORTH LINE OF SAID NORTHWEST QUARTER (NW 1/4) OF SECTION 2 AND THE POINT-OF-BEGINNING OF THIS DESCRIPTION; THENCE N.89° 20' 16" E. ALONG SAID PARALLEL LINE AND ALSO ALONG THE SOUTH LINE OF THAT CERTAIN PARCEL OF LAND AS DESCRIBED IN OFFICIAL RECORDS BOOK 3524, PAGE 4601, PUBLIC RECORDS OF LEE COUNTY, FLORIDA, A DISTANCE OF 1210.39 FEET; THENCE N.44° 23' 16"E. CONTINUING ALONG SAID SOUTH LINE, A DISTANCE OF 190.58 FEET TO AN INTERSECTION WITH THE WESTERLY RIGHT-OF-WAY LINE OF BEN HILL GRIFFIN PARKWAY (150.00' RIGHT-OF-WAY) AS DESCRIBED IN OFFICIAL RECORDS BOOK 3207, PAGE 1910 OF SAID PUBLIC RECORDS; THENCE ALONG SAID WESTERLY RIGHT-OF-WAY LINE FOR THE NEXT FOUR (4) COURSES; S.00° 04' 06" E. A DISTANCE OF 1,729.77 FEET TO THE BEGINNING OF A CURVE TO THE LEFT; THENCE SOUTHERLY ALONG AN ARC OF SAID CURVE, HAVING A RADIUS OF 6071.62 FEET, A CENTRAL ANGLE OF 17°29'22" AND WHOSE CHORD BEARS S.08°48'47"E. FOR A DISTANCE OF 1846.17 FEET, HAVING AN ARC LENGTH OF 1853.35 FEET; THENCE S.17° 33' 28"E., ALONG A TANGENT LINE, A DISTANCE OF 215.07 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT; THENCE SOUTHERLY, ALONG AN ARC OF SAID CURVE, HAVING A RADIUS OF 5924.43 FEET, A CENTRAL ANGLE OF 08°26'32" AND WHOSE CHORD BEARS S.13°20'12"E., FOR A DISTANCE OF 872.14 FEET, HAVING AN ARC LENGTH OF 872.93 FEET, TO A POINT OF COMPOUND CURVATURE OF A CURVE TO THE RIGHT; THENCE LEAVING THE WESTERLY RIGHT-OF-WAY LINE OF BEN HILL GRIFFIN PARKWAY, ALONG THE BOUNDARY OF THAT CERTAIN PARCEL OF LAND AS DESCRIBED IN OFFICIAL RECORDS BOOK 3522, PAGE 3430, OF SAID PUBLIC RECORDS, FOR THE NEXT EIGHT (8) COURSES, SOUTHWESTERLY ALONG AN ARC OF SAID CURVE, HAVING A RADIUS OF 30.00 FEET, A CENTRAL ANGLE OF 90°34'53" AND WHOSE CHORD BEARS S.36°10'31"W. FOR A DISTANCE OF 42.64 FEET, HAVING AN ARC LENGTH OF 47.43 FEET; THENCE S.81°27'57"W. ALONG A TANGENT LINE, A DISTANCE OF 619.81 FEET TO A NON-RADIAL INTERSECTION WITH A CURVE TO THE RIGHT; THENCE SOUTHERLY ALONG AN ARC OF SAID CURVE, HAVING A RADIUS OF 5274.39 FEET, A CENTRAL ANGLE OF 04°44'31" AND WHOSE CHORD BEARS S.06°27'12"E. FOR A DISTANCE OF 436.40 FEET, ARC LENGTH BEING 436.52 FEET; THENCE S.43°12'27"W. ALONG A NON-TANGENT LINE, A DISTANCE OF 410.14 FEET; THENCE S.88°56'07"W. A DISTANCE OF 283.66 FEET; THENCE CONTINUING ALONG SAID LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 3522, PAGE 3430, AND ALSO ALONG THE EAST BOUNDARY OF THAT CERTAIN PARCEL OF LAND AS DESCRIBED IN CLERK'S INSTRUMENT NUMBER 2005000131182, SAID PUBLIC RECORDS, FOR THE NEXT THREE (3) COURSES; S.01°03'53"E. A DISTANCE OF 628.78 FEET TO THE BEGINNING OF A CURVE TO THE LEFT; THENCE ALONG AN ARC OF SAID CURVE, HAVING A RADIUS OF 170.01 FEET, A CENTRAL ANGLE OF 50°48'27" AND WHOSE CHORD BEARS S.26°28'06"E. FOR A DISTANCE OF 145.87 FEET, HAVING AN ARC LENGTH OF 150.87 FEET TO A POINT OF REVERSE CURVATURE OF A CURVE TO THE RIGHT; THENCE ALONG AN ARC OF SAID CURVE, HAVING A RADIUS OF 230.01 FEET, A CENTRAL ANGLE OF 52°04'24" AND WHOSE CHORD BEARS S.25°50'08"E. FOR A DISTANCE OF 201.92 FEET, HAVING AN ARC LENGTH OF 209.04 FEET TO AN INTERSECTION WITH THE NORTHERLY RIGHT-OF-WAY LINE OF ALICO ROAD, AS DESCRIBED IN OFFICIAL RECORDS BOOK 4355, PAGE 2364, SAID PUBLIC RECORDS; THENCE N.89°42'18"W. ALONG SAID NORTHERLY RIGHT-OF-WAY LINE, A DISTANCE OF 60.00 FEET TO AN INTERSECTION WITH THE WEST LINE OF SAID EXHIBIT "D" AND TO AN INTERSECTION WITH A NON-TANGENT CURVE TO THE LEFT; THENCE NORTHWESTERLY ALONG AN ARC OF SAID CURVED WEST LINE OF "EXHIBIT D", HAVING A RADIUS OF 170.01 FEET, A CENTRAL ANGLE OF 52°02'25" AND WHOSE CHORD BEARS N.25°51'07"W. FOR A DISTANCE OF 149.16 FEET, HAVING AN ARC LENGTH OF 154.42 FEET TO A POINT OF REVERSE CURVATURE OF A CURVE TO THE RIGHT; THENCE ALONG AN ARC OF SAID CURVE, HAVING A RADIUS OF 230.01 FEET, A CENTRAL ANGLE OF 50°48'27" AND WHOSE CHORD BEARS N.26°28'06"W. FOR A DISTANCE 197.35 FEET, HAVING AN ARC LENGTH OF 203.97 FEET; THENCE N.01°03'53"W. ALONG THE SAID WEST LINE OF "EXHIBIT D" AND THE EAST LINE OF THAT CERTAIN PARCEL OF LAND AS DESCRIBED IN OFFICIAL RECORDS BOOK 2195, PAGE 4279, SAID PUBLIC RECORDS, A DISTANCE OF 1265.42 FEET; THENCE N.89°42'18"W. ALONG NORTH LINE OF SAID PARCEL DESCRIBED IN OFFICIAL RECORDS BOOK 2195, PAGE 4279, A DISTANCE OF 107.62 FEET TO THE SOUTHEAST CORNER OF THAT CERTAIN PARCEL OF LAND AS DESCRIBED IN CLERK'S INSTRUMENT NUMBER 2018000217893, PUBLIC RECORDS OF SAID LEE COUNTY, FLORIDA; THENCE ALONG THE SOUTHERLY BOUNDARY OF SAID CERTAIN PARCEL FOR THE NEXT EIGHT (8) COURSES; N.89°42'18"W. A DISTANCE OF 221.98 FEET; THENCE N.35°32'45"W. A DISTANCE OF 42.43 FEET; THENCE N.01°09'07"W. A DISTANCE OF 557.46 FEET; THENCE N.03°08'34"E. A DISTANCE OF 76.57 FEET TO THE BEGINNING OF A CURVE TO THE LEFT; THENCE ALONG AN ARC OF SAID CURVE, HAVING A RADIUS OF 50.00 FEET, A CENTRAL ANGLE OF 96°34'35" AND WHOSE CHORD BEARS N.45°08'48"W. A DISTANCE OF 74.65 FEET, HAVING AN ARC LENGTH OF 84.28 FEET; THENCE S.86°33'49"W. A DISTANCE OF 442.87 FEET; THENCE N.87°46'36"W. A DISTANCE OF 730.75 FEET TO THE BEGINNING OF A CURVE TO THE LEFT; THENCE ALONG AN ARC OF SAID CURVE, HAVING A RADIUS OF 100.00 FEET, A CENTRAL ANGLE OF 96°44'56" AND WHOSE CHORD BEARS S.43°50'56"W. A DISTANCE OF 149.50 FEET, HAVING AN ARC LENGTH OF 168.86 FEET; THENCE S.04°31'33"E., LEAVING SAID SOUTHERLY BOUNDARY OF THAT CERTAIN PARCEL DESCRIBED IN CLERK'S INSTRUMENT NUMBER 2018000217893, OF SAID PUBLIC RECORDS OF LEE COUNTY, FLORIDA, A DISTANCE OF 492.53 FEET TO AN INTERSECTION WITH THE NORTH LINE OF THAT CERTAIN PARCEL OF LAND AS DESCRIBED IN OFFICIAL RECORDS BOOK 3677, PAGE 743, SAID PUBLIC RECORDS; THENCE S.89°54'37"W, LEAVING THE BOUNDARY OF SAID "EXHIBIT C-1" AND ALONG THE NORTH LINE OF SAID PARCEL DESCRIBED IN OFFICIAL RECORDS BOOK 3677, PAGE 743, A DISTANCE OF 218.60 FEET TO A NON-RADIAL INTERSECTION WITH THE CURVED EASTERLY BOUNDARY OF THAT CERTAIN PARCEL AS DESCRIBED IN OFFICIAL RECORDS BOOK 4355, PAGE 2364, SAID PUBLIC RECORDS, ALSO BEING THE EASTERLY RIGHT-OF-WAY LINE OF INTERSTATE 75 (STATE ROAD NO. 93); THENCE NORTHERLY, ALONG THE SAID EASTERLY RIGHT-OF-WAY LINE FOR THE NEXT FIVE (5) COURSES; NORTHERLY ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 3913.93 FEET, A CENTRAL ANGLE OF 01°40'50" AND WHOSE CHORD BEARS N.08°21'29"W. FOR A DISTANCE OF 114.79 FEET, HAVING AN ARC LENGTH OF 114.79 FEET; THENCE N.09°11'29"W. A DISTANCE OF 225.55 FEET TO THE MOST SOUTHERLY CORNER OF PARCEL 102 AS DESCRIBED IN CLERK'S INSTRUMENT NUMBER 2008000156882; THENCE NORTHERLY ALONG THE EAST BOUNDARY LINE OF SAID PARCEL 102 AND SAID EASTERLY RIGHT-OF-WAY LINE OF INTERSTATE 75 FOR THE NEXT THREE (3) COURSES; N.0°38'28"W. A DISTANCE OF 3556.21 FEET; THENCE N.03°21'21"E A DISTANCE OF 392.14 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT; THENCE ALONG AN ARC OF SAID CURVE, HAVING A RADIUS OF 678.20 FEET, A CENTRAL ANGLE OF 23°17'58" AND WHOSE CHORD BEARS N.15°00'20"E. A DISTANCE OF 273.90 FFET, HAVING AN ARC LENGTH OF 275.79 FEET TO A NON-TANGENT INTERSECTION THE SAID SOUTH LINE OF THAT CERTAIN PARCEL OF LAND AS DESCRIBED IN OFFICIAL RECORDS BOOK 3524, PAGE 4601, SAID PUBLIC RECORDS; THENCE N.89°23'14"E. ALONG SAID SOUTH LINE, A DISTANCE OF 1197.31 FEET; THENCE N.89°20'16"E. ALONG SAID SOUTH LINE A DISTANCE OF 1.52 FEET TO THE SAID POINT-OF-BEGINNING OF THIS DESCRIPTION.
CONTAINING 283.75 ACRES, MORE OR LESS.

REVIEWED
ADD2023-00162
Rick Burris, Principal
Planner
Lee County DCD/Planning
10/23/2023

MDA PROJECT: 17037		DESCRIPTION DRAWING PARCEL OF LAND LYING IN SECTIONS 2 AND 3, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA	MORRIS DEPEW ENGINEERS • PLANNERS • SURVEYORS LANDSCAPE ARCHITECTS FL CA NO. 6532 / FL CERT NO. LB6891 / LC26000330	Fort Myers Tallahassee Destin 2917 Cleveland Ave. Fort Myers, Florida 33901 (239) 337-3993 Fax: (239) 337-3994 Toll free: 866-337-7341	
CHECKED BY: MAH	DRAWN BY: MAH				
DATE: 01-15-19					
SHEET 2 OF 4					



CURVE DATA

LINE DATA

L3 S.17°33'28"E 215.07'	L9 S.89°54'37"W. 218.60'
L4 N.89°42'18"W 60.00'	L10 N.09°11'29"W. 225.55'
L5 N89°42'18"W 107.62'	
L6 N89°42'18"W 221.98'	
L7 N35°32'45"W 42.43'	
L8 N03°08'34"E 76.57'	

CURVE C2 RAD = 5924.43' C.A. = 08°26'32" C.B. = S.13°20'12"E. CHD = 872.14' ARC = 872.93'	CURVE C6 RAD = 230.01' C.A. = 52°04'24" C.B. = S.25°50'08"E. CHD = 201.92' ARC = 209.04'	CURVE C10 RAD = 100.00' C.A. = 96°44'56" C.B. = S.43°50'56"W. CHD = 149.50' ARC = 168.86'
CURVE C3 RAD = 30.00' C.A. = 90°34'53" C.B. = S.36°10'31"W. CHD = 42.64' ARC = 47.43'	CURVE C7 RAD = 170.01' C.A. = 52°02'25" C.B. = N.25°51'07"W. CHD = 149.16' ARC = 154.42'	CURVE C11 RAD = 3913.93' C.A. = 01°40'50" C.B. = N.08°21'29"W. CHD = 114.79' ARC = 114.79'
CURVE C4 RAD = 5274.39' C.A. = 04°44'34" C.B. = S.06°27'12"E. CHD = 436.40' ARC = 436.52'	CURVE C8 RAD = 230.01' C.A. = 50°48'27" C.B. = N.26°28'06"W. CHD = 197.35' ARC = 203.97'	
CURVE C5 RAD = 170.01' C.A. = 50°48'27" C.B. = S.26°28'06"E. CHD = 145.87' ARC = 150.76'	CURVE C9 RAD = 50' C.A. = 96°34'35" C.B. = N.45°08'48"W. CHD = 74.65' ARC = 84.28'	

REVIEWED
ADD2023-00162
Rick Burris, Principal
Planner
Lee County DCD/Planning
10/23/2023



Exhibit "B"

GULF LANDINGS LOGISTICS CENTER MPD ADMINISTRATIVE AMENDMENT NARRATIVE

Fort Myers Industrial Owner, LLC (Applicant) is requesting an Administrative Deviation to the Gulf Landings Logistics Center Development Order Amendment (DOS2018-10047-A01) to allow for alternative proposed standards to LDC Section 10-261 (a), refuse and solid waste disposal facilities for industrial uses.

BACKGROUND/PROJECT HISTORY

The Gulf Landings Logistics Center MPD is comprised of four (4) parcels totaling 283.75 +/- acres and is accessed from Ben Hill Griffin Parkway (a four-lane, county-maintained arterial roadway) and from Alico Road (a six-lane county-maintained arterial roadway). The MPD allows for the development of up to 2,500,000 square feet of industrial; 175,000 square feet of commercial retail; 225,000 square feet of commercial office; 200,000 square feet of medical office; and 360 hotel rooms pursuant to Zoning Resolution Z-21-009. ADD2022-00206 amended the MCP within Zoning Resolution Z-21-009 to include the revised internal roadway layout and increased acreage and reconfigured the preservation areas.

REQUEST NARRATIVE

The Applicant is requesting an administrative deviation from LDC Section 10-261 (a) which requires 216 square feet of refuse and solid waste container space for first 25,000 square feet of building area plus 8 square feet of refuse and solid waste container space for each additional 1,000 square feet of building area to allow for refuse and solid waste container space square footage to be calculated based on only the office use square footage, with no building containing less than 288 square feet of container space.

The request meets the Criteria for Administrative Deviations as outlined in LDC Section 10-104(b)(1-6) as follows:

1. The alternative proposed to the standards contained herein is based on sound engineering practices (not applicable to sections 10-352, 10-353 and division 7 of article III of this chapter).

The LDC requirement 10-261 (a) standard is based on Commercial/Business uses such as restaurants and retail which generate greater amount of garbage and recycling compared to the amount of refuse and recycling that is typically produced as part of the warehousing uses being developed on the site.

The alternative solid waste container square footage being proposed is based on internal calculation and sound engineering practices. The proposed container space breakdown is further identified in the attached Dumpster Exhibit.

2. The alternative 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.

The alternative is no less consistent with the health, safety and welfare of abutting landowners and the public than the standard from which the deviation is being requested. The LDC requirement is based on Commercial/Business uses such as restaurants and retail type which generate greater amount of garbage and recycling than a warehousing use would.

The proposed alternative will meet or exceed the container space square footage LDC requirement for office space and include at minimum one 12' x 24' container space area per building which will provide sufficient area to support refuse and recycling for each building within the development.

3. For division 7 of article III of this chapter, the required facility would unnecessarily duplicate existing facilities.

Criteria is not applicable to LDC Section 10-261, as division 7 of article III of chapter is regarding public transit 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.

Granting the deviation is not inconsistent with any specific policy directive of the BOCC, any other ordinance or any Lee Plan provision. The request will be in compliance with Goal 62, *To ensure the health, safety, and general welfare of the citizens of Lee County by protecting the quality of the environment through the proper management and disposal of solid waste.*

The request will allow for maximization of development potential within the project, as intended in the employment generating Tradeport designation lands in Lee County, rather than providing an excess square footage of refuse and solid waste disposal facilities that will never be used.

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.

Criteria is not applicable to LDC Section LDC Section 10-261.

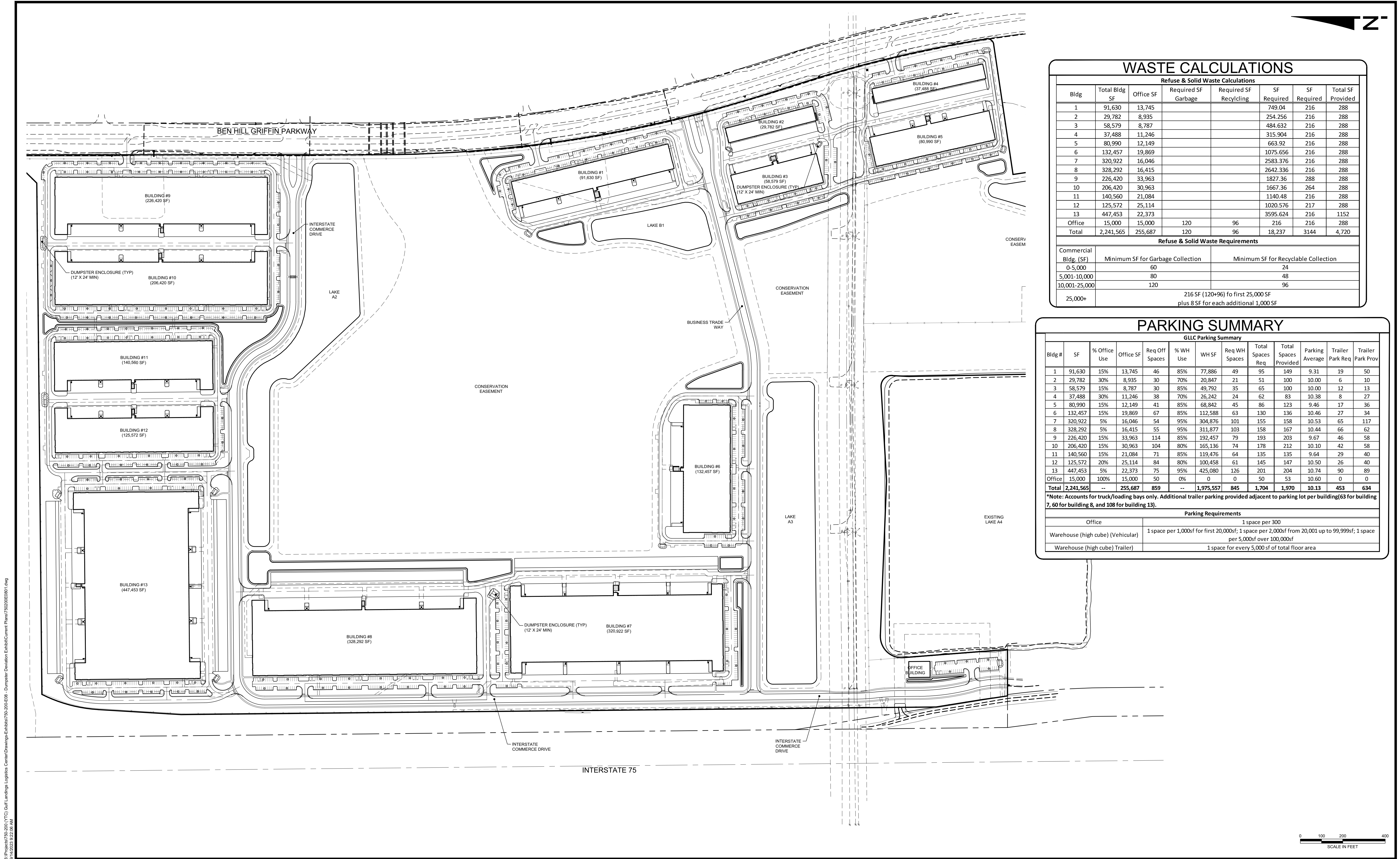
6. For sections 10-329(f) and 10-418(4), the proposed use of hardened structures for restoration of existing lake bank slopes will be evaluated on a case by case basis. The application for the hardened structure must demonstrate this is the most appropriate and minimum stabilization technique necessary as designed and sealed by a licensed professional engineer. The application must also demonstrate compliance with section 10-418(3) for compensatory littorals as well as previously approved littoral and deep lake management plan requirements. However, existing lakes within the DR/GR may not utilize hardened structures through the administrative process.

Criteria is not applicable to LDC Section LDC Section 10-261.

CONCLUSION

As identified the proposed administrative deviation is in accordance with LDC §10-104 (b), this deviation is based on sound engineering practices, is consistent with the health, safety and welfare of abutting landowners and the general public and is not inconsistent with any policy directive of the BOCC, any other ordinance or any Lee Plan provision.

Based upon this application's compliance with all other conditions in Z-21-009, as amended, the Lee Plan, and criteria set forth in §10-104, the Applicant respectfully requests staff approval of the proposed administrative amendment.



B:\Projects\750-000 (YTC) Gulf Landings Logistics Center\Drawings-Exhibits\750-000-008 - Dumpster Deviation Exhibit\Current Plans\750000008001.dwg
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