ADD2023-00123 Lee County ePlan

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SIESTA V

ADMINISTRATIVE AMENDMENT

RESIDENTIAL PLANNED DEVELOPMENT / DOS2007-00008-A02

Request Statement

The Administrative deviation is seeking relief from the following section of the Land Development Code (LDC):

- **Section 10-328(b):** Requires "Closed drainage easements. The width of closed drainage easements must be based upon sound engineering principles, including, but not limited to, depth of cut, size of drainage pipe, proximity of structures, etc. Closed drainage easements must be a minimum of 15' in width for pipes that are 48" or less in diameter." This deviation is a request to allow a ten-foot-wide drainage easement for pipes that are 48 inches or less in size. The width of closed drainage easements must be based upon sound engineering principles, including, but not limited to, depth of cut, size of drainage pipe, proximity of structures, etc. "Closed drainage easements must be a minimum of 10' in width for pipes that are 48" or less in diameter."

Overview

The subject parcel is +/- 136.68 acres located on the west side of San Carlos Boulevard. The Development Order DOS2007-00008 approved the development of 47 single-family detached dwelling units, and a maximum of 30 boat slips to be located on certain lots and an 11-slip multi-slip docking facility. Buildings are not to exceed 35 feet in height above minimum floor elevation, within a maximum of two storied over parking. Construction of Phase I is nearing completion. During construction, the design was revised to relocate storm water storage from surface rear yard storage to an equipment volume of storage in rear chamber (similar to the main system storage) to be relocated on common side lot. Development Order DOS2007-00008-A02 is pending to approve this plan revision.

Administrative Review Criteria

The Community Development Director is authorized to grant administrative deviation from a select group of technical standards provided that the alternative proposal is found to be based upon sound engineering and practice and is not detrimental to the safety and welfare of the public.

The requested modification may be approved administratively per the guidelines of LDC Section 10-104. Compliant with Section 10-104 of the LDC, the proposed request alternative proposed to the standards contained herein is based on sound engineering practices, 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. Furthermore, the proposed amendment will be consistent with all applicable provisions of the Lee Plan and land development regulations in effect as of the date of this application.

a) The proposed request alternative proposed to the standards contained herein is based on sound engineering practices.

- Aspects of sound engineering practices include generally accepted standards for design professionals to utilize which provides the general public with a constructed product that is predictable and safe for use. The existing approved Development Order being that has been carefully evaluated, taking into account the relevant engineering considerations has approved a 7' proposed drainage easement (DE) for a 12" conveyance pipe on side lot line of the proposed residential subdivision. The pending plan features a non-essential 8" pipe within the rock chamber, intended to provide additional conveyance capacity beyond the essential requirements for adequate drainage. It is important to note that this pipe is not mandatory for conveyance purposes. Finally, the proposed rock chamber and associated 8" pipe are shallow and may adequately be maintained within the confines of a 10' drainage easement.

b) 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 approval of this request is no less consistent with the health, safety and welfare of abutting landowners and the general public because it does not create an adverse impact. Existing approved Development Order includes a 7' proposed drainage easement (DE) for a 12" conveyance pipe in the same location. The pending plan pipe in the easement is not required, but is a non-essential drainage consideration, chosen by the design engineer, within rock chamber drainage system.

c) 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;

- The approval of the deviation aligns harmoniously with all policy directives of the Board of County Commissioners, other relevant ordinances, and the provisions outlined in the Lee Plan and approval of the requested deviation will not change density or intensity and will not affect the land use or create environmental impacts, remaining consistent with the Lee Plan. The proposed request will not reduce open space, buffering, landscaping, and preservation areas or result in an underutilization of resources.