

Administrative Deviation: **ADD2024-00080****DSO ADMINISTRATIVE DEVIATION
LEE COUNTY, FLORIDA**

WHEREAS, Quattrone & Associates, Inc., have filed an application for approval of an administrative deviation from the technical requirements of the Lee County Land Development Code, for property located at 2130 Fairway Dr, Lehigh Acres, FL, described more particularly as:

LEGAL DESCRIPTION

See attached; and

WHEREAS, the applicant has indicated that the property's current STRAP number is 32-44-26-09-00007.0000; and

WHEREAS, the property is zoned RM-2 (Multiple-Family) and is designated in the Central Urban Land Use in Lee County; and

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

WHEREAS, Lee County Land Development Code, 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 in the RM-2 district from Lee County Land Development Code Chapter 10-296 (e)(1)(i)(5)ii Table 8 which requires 10' lane width for local roads in the central urban land use serving residential uses, to allow the existing 9' lane widths along Fairway Dr to remain; and

WHEREAS, Lee County Land Development Code Chapter 10-291(2) requires all development to abut and have access to a street constructed to meet the standards of Chapter 10-296 to allow the project to be accessed from Fairway Drive an existing roadway that does not comply with the lane width requirements of Lee County Land Development Code Chapter 10-296; and

WHEREAS, the subject property is located in the central urban future land use category and proposed for development of 128 multi-family units; and

WHEREAS, there is one main entrance to the community located on Fairway Drive, a local road under the jurisdiction of Lee County DOT, with existing 9' travel lanes and open drainage with a 50' wide right-of-way; and

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WHEREAS, the 9' lane widths along Fairway Drive is an existing condition that does not comply with Lee County Land Development Code Chapter 10-296 and the nearest roadway meeting the requirements of Lee County Land Development Code Chapter 10-296 is Leonard Blvd which is approximately 2300 ft away from the project entrance along Fairway Drive; and

WHEREAS, a sidewalk is proposed within the right-of-way along the project frontage and the improvements to the open drainage swales are proposed to maintain conveyance patterns for roadway runoff; and

WHEREAS, the subject application and landowner's representations have been reviewed by the Lee County Development Services Division in accordance with applicable regulations for compliance with all terms of the administrative deviation approval; and

WHEREAS, the following findings of fact are offered:

- (a) That the proposed alternative to allow the existing 9' lanes to remain, is based on sound engineering practice in consideration of the following criteria:
 - i The existing Fairway Drive and surrounding roadways currently provide adequate access to the residential properties in the area. The roadways are low speed and low volume and consistent with most of the roadways in the project vicinity. The surrounding Snead Drive, Jones Dr, Zaharthas Dr, Bolt Ln and the majority of roads in the surrounding area are all constructed with 9' travel lanes. The 9' lane widths do not present an existing safety or operational concern and the roads should continue to function with the development of this project.
 - ii The 9' lanes meet the criteria established in Table-3 20 Minimum Lane Widths of the *FDOT Manual of Uniform Minimum Standards for Design, Construction and Maintenance for Streets and Highways (Florida Greenbook 2018 edition)*, that allows the lane width to be reduced to 9 feet in residential areas where right-of-way is limited.
- (b) That said proposed 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 was requested; and
- (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 Administrative Deviations in the RM-2 district from Lee County Land Development Code Section 10-296 (street specifications), is approved as conditioned:

That approval is subject to the Fairway Villages Master Site Plan (Sheet SD-02 2 of 13, sealed 04/24/2024), submitted for this administrative deviation (copy attached); and

- (a) That approval is limited to lands herein described; 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 Sketch & Description

Exhibit B – “Fairway Villages Master Site Plan Sheet SD-02”, signed and sealed 04/24/2024 by Michelle Salberg, P.E.

Duly passed, adopted, and electronically signed on 6/4/2024

Ohdet Kleinmann, Development Services Manager