

Administrative Deviation: **ADD2024-00055**

**DSO ADMINISTRATIVE DEVIATION  
LEE COUNTY, FLORIDA**

WHEREAS, Barraco and Associates Inc., on behalf of WS SSIR OWNER, LLC, has filed an application for approval an administrative deviation from the technical requirements of the Lee County Land Development Code, for property located at 2800-5640 South Seas Plantation Road, Captiva, FL, described more particularly as:

LEGAL DESCRIPTION: In Section 26, Township 45 South, Range 21 East, Lee County, Florida:

ATTACHED AS EXHIBIT "A"

WHEREAS, the applicant has indicated that the property is a portion of land described in Instrument Number 2021000370420; and

WHEREAS, the property is zoned RM-2 (Multiple-Family) and is located in the Outlying Suburban 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, 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 Section 10-261(a) that requires all new construction of multifamily residential developments, commercial businesses, and industrial uses to provide sufficient on-site space for the placement of garbage containers or receptacles, and sufficient space for recyclable materials collection containers.

WHEREAS, Lee County Solid Waste has reviewed the request and has no objection; and

WHEREAS, the South Seas Island Resort team utilizes 96-gallon totes for waste and recycling purposes, three wet waste 40-yard compactors and an open-top container designated for larger construction items located on SSIR premises of which two compactors are on a standing weekly change-out schedule and one compactor and the open-top container operate on an as-needed will-call basis

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facilitated by Waste Management; and

WHEREAS, the following findings of fact are offered:

- (a) That the proposed alternative is based on sound engineering practice in consideration of the following criteria:
  - i Solid Waste has reviewed the request and has no objection due to the centralized compactor location for South Seas.
  - ii South Seas Island Resort (SSIR) is a historic resort community with an established solid waste collection and processing system
- (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 10-261(a), is approved as conditioned:

- (a) All solid waste and recycle needs to be transported without spillage and service frequency levels of at least 1x per week are adhered to for each compactor to avoid potential nuisance accumulation.
- (b) Any redevelopment or change of use of the property will require compliance with the requirements of Land Development Code Section 10-261(a) or an approved deviation.
- (c) **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.**

Duly passed, adopted, and electronically signed on 6/12/2024

Ohdet Kleinmann, Development Services Manager

Exhibits

*Exhibit A – Legal Sketch & Description*

*Exhibit B – South Seas Island Resort Trash Compactor Location Map - 2024*



# HALEY WARD

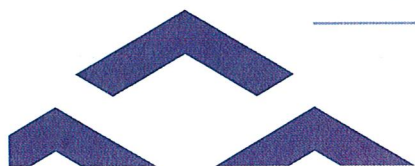
ENGINEERING | ENVIRONMENTAL | SURVEYING

FORMERLY:  
**CES** INC

Description of a Parcel of Land  
Lying in  
Section 26, Township 45 South, Range 21 East  
Captiva Island, Lee County, Florida  
(South Seas Island Resort Owner Relations and Office Building Parcel)

A parcel of land lying in the State of Florida, County of Lee, Captiva Island, situated in Section 26, Township 45 South, Range 21 East, being a portion of a parcel of land as described in Instrument number 2021000370420, Public Records of Lee County, Florida and more particularly described as follows:

Commencing at the southeasterly corner of Beach Villas II Condominium as described on Surveyor's Plat, Exhibit "B" to Condominium Declaration recorded in Official Record Book 1230 at Page 987, Public Records of Lee County, Florida; thence N05°55'28"E, along the easterly line of said Beach Villas II for 115.26 feet to an intersection with the northerly line of a 25 foot roadway and utility easement as described in Official Record Book 1846 at Page 813; thence S71°31'49"E, along the northerly line of said easement for 20.48 feet to the Point of Beginning; thence continue S71°31'49"E, along the northerly line of said easement for 64.67 feet to a point of curvature; thence southeasterly along the northerly line of said easement and along the arc of a curve to the right having a radius of 192.65 feet, chord bearing S54°33'11"E, delta 33°57'17", chord distance 112.51 feet, for 114.17 feet; thence S37°34'32"E, along the northerly line of said easement for 75.00 feet to a point of curvature; thence southeasterly along the northerly line of said easement and along the arc of said curve to the left having a radius of 367.50 feet, chord bearing S45°31'00"E, delta 15°52'57", chord distance 101.55 feet, for 101.87 feet to a point of reverse curvature, thence southeasterly along the northerly line of said easement and along the arc of said curve to the right having a radius of 451.15 feet, chord bearing S50°02'52"E, delta 06°49'13", chord distance 53.67 feet, for 53.70 feet; thence S46°38'16"E along the northerly line of said easement for 30.33 feet; thence N34°09'28"E, departing said northerly line for 149.94 feet; thence N26°36'23"W for 11.98 feet; thence N66°54'50"W for 24.53 feet; thence N75°19'00"W for 47.64 feet; thence N85°25'34"W for 27.60 feet; thence N58°06'33"W for 19.44 feet; thence N48°02'25"W for 42.51 feet; thence N50°03'32"W for 52.12 feet; thence N44°33'28"W for 42.26 feet; thence N41°02'28"W for 22.46 feet; thence N67°48'00"W for 63.70 feet; thence N79°53'21"W for 30.78 feet; thence S68°28'39"W for 23.53 feet; thence N68°47'18"W for 61.06 feet; thence N27°58'47"W for 20.26 feet to an intersection with the East line of said 25 foot Roadway Easement recorded in Official Records Book 1846, Page 807; thence S05°55'28"W, along said East line for 67.45 feet to the Point of Beginning.  
Continued....





Containing 42,056 square feet (0.965 acres), more or less.

Bearings are based on the State plane co-ordinate system Florida west zone based on ties to the Lee County Coastal Construction Setback Line for Captiva Island, Lee County, Florida.

Stephen F. Shawles II, State of  
Florida Professional Surveyor &  
Mapper License Number 6419

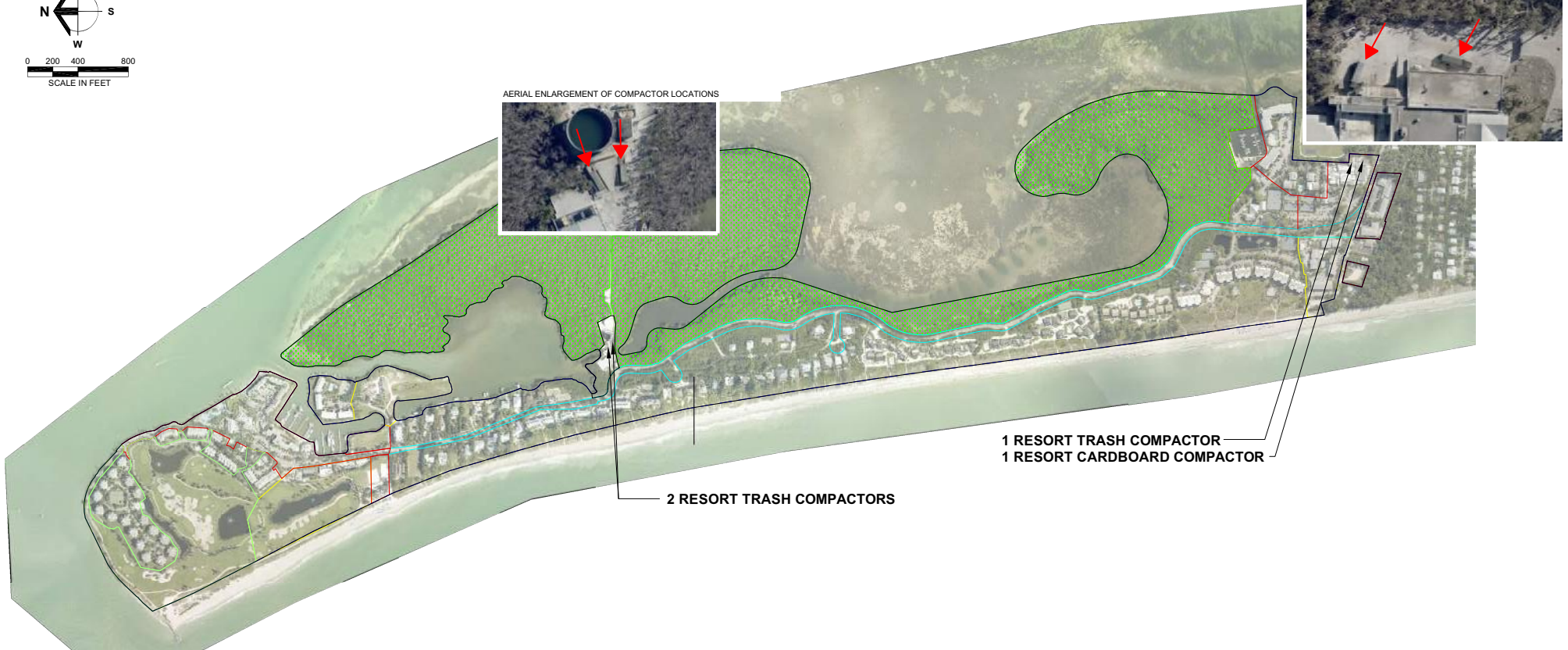
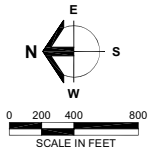
DN: cn=Stephen F. Shawles II, State of Florida Professional Surveyor & Mapper  
License Number 6419, o=Haley Ward, Inc. (LB8267). Printed copies of this document  
are not considered signed and sealed and the signature must be verified on any  
electronic copies. ou=This item has been digitally signed and sealed by Stephen F.  
Shawles II on the date indicated here, email=sshawles@haleyward.com, c=US  
Date: 2024.02.22 11:35:27 -05'00'

Haley Ward, Inc. (LB8267)

Stephen F. Shawles II, P.S.M. 6419  
Professional Surveyor and Mapper  
State of Florida



**Exhibit B**



**SOUTH SEAS ISLAND RESORT TRASH COMPACTOR LOCATION MAP - 2024**