



LIST OF DEVIATIONS AND JUSTIFICATION

APEX

DEVIATION

STRAP#: 23-45-24-07-00000.0060

7990 Summerlin Lakes Dr., Fort Myers, FL 33907

Deviate from LDC§10-610(e) Standards and guidelines for commercial developments which requires adjacent commercial uses to provide parking lot interconnections for automobile, bicycle and pedestrian traffic to permit the proposed site plan under DOS2024-00076 with no automobile or pedestrian connection to the parcel to the south.

Justification: The intent of this section of the code is to minimize connection points on arterial and collector roadways. The subject parcel is within the platted Reflection Lakes Commercial center where the internal private local road “Summerlin Lakes Drive” already functions to provide commercial interconnection between parcels away from the county’s main roadway network.

The commercial center is near full build-out and none of the other developed parcels provide vehicular or pedestrian interconnection between parking lots. The subdivision plat does not indicate or anticipate interconnections beyond that provided by Summerlin Lakes Dr.

The outparcels are designed for different uses. The proposed use requested under DOS2024-00076 is a physical therapy clinic with associated nutrition and fitness services. The property to the south is developed with a financial services office and other offices. Each development is self-contained and drivers accessing each site are expected to travel directly to that location. There is no expected pass-through traffic between the adjacent properties, no shared amenities, shared parking or shared patrons between the parcels.

Construction of a vehicular connection would require modification to the adjacent parking lot and a potential reduction in parking spaces. There would be repair costs and damages due to construction activities and there is no indication a connection would be desirable or beneficial to the adjacent property owner.

DEVIATION REQUESTS MUST MEET . . .

(I) 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);

RESPONSE: yes, the request is based on sound engineering practices.



(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.

RESPONSE: The deviation will not negatively impact public health, safety or welfare based upon the nature of this commercial usage, and limitations prescribed above

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

RESPONSE: Not applicable

(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; and

RESPONSE: The deviation is consistent with the Lee Plan

(5) For sections 10-352, 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.

RESPONSE: Not applicable

(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.

RESPONSE: Not applicable