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Certificate of Authorization # 29086

VIET FAMISLAND PLAT
Explanation and Justification of Request

The applicant, Viet Famisland, Inc., has submitted a Subdivision Plat application (PLT2023-00021) and a Development Order application (DOS2023-00104) for the 19.52-acre property located at 11010 Stringfellow Road, Bokeelia. The property has dual zoning, with commercial zoning (CC and CG) along the Stringfellow Road frontage and residential zoning (RM-2) to the rear. Lee County Administrative Code 13-19(I)(2)b requires ten-foot wide utility easements to be provided adjacent to the right-of-way on both sides of new roads. **The Applicant is requesting a deviation to allow the new road to have a ten-foot wide utility easement on the west side of the road only for a distance of ± 405 feet.** Due to existing site conditions and the requirements of the Land Development Code, it's not possible to provide the additional 10-foot wide utility easement at this location without losing multiple lots.

The Applicant is developing the RM-2 zoned portion of the subject property into 35 residential lots – both single-family detached and duplex/two-family attached - plus various tracts for amenities, infrastructure, drainage, etc. The minimum lot width for a single-family lot in the RM-2 zoning district is 65 feet and the minimum lot width for a duplex/two-family lot is 75 feet. In addition, the Land Development Code requires the street right-of-way to be 45 feet in width plus adequate surface water drainage for the development. Furthermore, the site is encumbered by a 30-foot wide drainage right-of-way to the east of the subject property's east property line (OR Book 336, Page 97) and a 30-foot wide State Road Department Outfall Ditch along the south property line (Plat Book 22, Page 30). During the Development Order review, the Applicant was required to provide a 20-foot wide Maintenance Easement on-site to allow access and maintenance of the drainage right-of-way, which further reduces the area available for residential lots. As a result, the applicant has already reduced the number of residential lots originally proposed in an effort to comply with the Lee Plan, the Land Development Code, and other applicable codes and regulations.

The new road, Canal River Drive, is platted at 45 feet wide. The preliminary plat dedicates the roadway tract (Tract "A") as a private roadway for the purpose and right of ingress and egress, drainage, public utilities, landscaping, irrigation, lighting, signage, and sidewalk purposes. As previously stated, the Applicant is providing the requisite ten-foot wide utility easements on both sides of the new road except for where the roadway tract abuts the east property line and drainage right-of-way for a distance of ± 405 linear feet. The Plat Dedication already permits utilities to be placed within the 45-foot roadway tract. It seems redundant to also provide ten-foot wide utility easements on both sides of the new road, which adds another 20 feet to the roadway provisions; however, that is the requirement of AC-13-19(I)(2)b. The Applicant respectfully requests approval of this Deviation request based on the criteria below.

The Applicant meets the Criteria for an Administrative Deviation as set forth in LDC Section 10-104(b):

(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 new road will have 10-foot wide utility easements on both sides of the 45-foot wide roadway tract with the exception of a ± 405 linear foot segment along the east property line. The proposed 45-foot wide roadway tract is wide enough to accommodate any necessary utilities in addition to the other purposes identified in the Plat Dedication. Due to the fact that utilities can be located either within the 10-foot wide easement on the west side of the tract or within the tract itself provides sufficient space for any necessary utility infrastructure. This proposed alternative 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;

The alternative proposed 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. As previously stated, any necessary utility infrastructure can be located either within the 10-foot wide easement on the west side of the roadway tract or within the tract itself, which precludes any adverse impacts to abutting land owners or the general public.

(3) For Division 7 of Article III of this chapter, the required facility would unnecessarily duplicate existing facilities;

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;

Granting of this deviation request is not inconsistent with any specific policy directive of the BOCC, any other ordinance, or Lee Plan provision. Administrative Code 13-19(I)(2)b provides applicants with the opportunity to request a waiver, variance or deviation from this requirement.

(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; and

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.

Not applicable.