

ADMINISTRATIVE APPROVAL (ASV) ADD2019-00040

ADMINISTRATIVE APPROVAL
LEE COUNTY, FLORIDA

WHEREAS, Pan TC Land, LLC; Alan C. Freeman, Mgr., in reference to Athenian – Three Oaks Charter School, filed an application for administrative approval to add the following deviations from Chapters 10 and 34 of the Lee County Land Development Code (LDC):

- **LDC §10-296(d)(4) (drainage-inverted crown)**
- **LDC §10-296(k)(1)(b&c) (cul-de-sac ROW)**
- **LDC §10-296(e)(cross-section)**
- **LDC §10-610(e) (parking lot interconnect)**
- **LDC §34-2013(b)(3) (parking lot entrance maximum width of 35 feet at property line)**
- **LDC §10-296(e)(2)h (planting strip)**

WHEREAS, the subject property is located at 18751 Three Oaks Parkway, described more particularly as:

LEGAL DESCRIPTION: In Section 15, Township 46 South, Range 25 East, Lee County, Florida:

ATTACHED AS EXHIBIT “A”

WHEREAS, the applicant has indicated the property’s current STRAP numbers are 15-46-25-L3-U2114.2770 and 15-46-25-L3-U2112.2787; and

WHEREAS, the subject property is designated as Urban Community on the Future Land Use Map of the Lee County Comprehensive Plan (Lee Plan); and

WHEREAS, the property is zoned Commercial Planned Development (CPD); and

WHEREAS, an application for approval of an administrative amendment has been filed to amend the planned development zoning to add six (6) deviations from the Lee County Land Development Code; and

WHEREAS, DOS2018-00030 has been filed seeking development of building(s) and infrastructure to support a Pre-K & K-8 charter school; and

WHEREAS, during the review of this local development order application Development Services staff found these six deviations are necessary in order to permit the development as proposed; and

WHEREAS, LDC Chapter 10, Section 10-104 authorizes deviations may be granted from the technical standards in the certain sections of Chapter 10 of the Land Development Code (LDC); and

WHEREAS, five of the six deviations sought in this application are from a LDC Section listed within LDC Section 10-104; and

WHEREAS, the applicant is seeking these five (5) deviations from Chapter 10 of the Land Development Code to extend the new section of Oaks Center Drive to match the existing road section; and

WHEREAS, the applicant indicates construction of the roadways and drainage as required by the LDC would present challenges where the new construction meets the existing infrastructure; and

WHEREAS, the applicant indicates the deviations sought are no less consistent with the health, safety, and welfare of abutting landowners and the general public than the standards from which the deviations are being requested, while mimicking the existing improvements serving other abutting property owners; and

WHEREAS, the applicant indicates the deviations sought are not inconsistent with the Lee Plan; and

WHEREAS, the subject application and plans have been reviewed by the Lee County Department of Community Development (Development Services) in accordance with applicable regulations for compliance with all terms of the administrative approval; and

WHEREAS, Development Services has reviewed each of the proposed deviations and have found:

- (1) The alternative proposed to the standards contained herein is based on sound engineering practices; and
- (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; and
- (3) 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

WHEREAS, Deviation E from LDC §34-2013(b)(3) seeks to increase the width of the driveway access; and

WHEREAS, Community Development staff finds this request helps enhance the achievement of the objectives of the planned development and will not cause a detriment to public interests; and

WHEREAS, the requested deviations do not increase height, density or intensity within the planned development; do not result in the substantial underutilization of public resources and public infrastructure committed to the support of the development; do not result in a reduction of total open space provided on the master concept plan by more than ten percent or that would decrease the amount of indigenous native vegetation or open space required by the Code; do not decrease preservation areas; and are not expected to adversely impact surrounding land uses.

NOW, THEREFORE, IT IS HEREBY DETERMINED that this application for an administrative Amendment to the planned development to add the following **Deviations is APPROVED, subject to the following Conditions:**

Deviations:

- A. Deviate from LDC Section 10-296(d)(4) (drainage-inverted crown), to provide an alternate closed drainage cross section, see Exhibit C, Road Inverted Crown.**
- B. Deviate from LDC Section 10-296(k)(1)(b&c) (cul-de-sac ROW) to provide an alternate of 50 foot radius of Right-of-Way (ROW) as referenced from the center of the cul-de-sac instead of the required 55 feet as depicted in Exhibit C, Cul-De-Sac Inverted Crown.**
- C. Deviate from LDC Section 10-296(e) (cross-section) to provide alternate closed drainage cross section as depicted in Exhibit C, Road Inverted Crown.**
- D. Deviate from LDC Section 10-610(e) (parking lot interconnect) to provide an alternate of no parking lot interconnect.**
- E. Deviation from LDC §34-2013(b)(3) which provides for a maximum parking lot entrance width of 35 feet as measured at the property line, to allow a parking lot entrance widths of 62.8 feet and 50.8 feet for the K-8 school as depicted in Exhibit B (Administrative Deviation Site Plan) and Exhibit C (Parking Lot Entrance Width).**
- F. Deviate from LDC Section 10-296(e)(2)h (planting strips), to provide alternate of no planting strips depicted in Exhibit C, Road Inverted Crown.**

Conditions:

- 1. This approval is limited to the six (6) deviations (A through F) sought in this application, as noted above. No other changes to the approved planned development zoning have been granted as part of this action.**

2. The location for each deviation is noted in attached Exhibit B. A future amendment would be required for locations other than those shown on the approved drawings.
3. Typical details for each deviation sought are found in Exhibit C.
4. 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 Zoning Manager 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 5/14/2019 by

Audra Ennis, Zoning Manager
Lee County Community Development

Exhibits:

- A. Legal Description
- B. Administrative Deviation Site Plan
- C. Typical Deviation Drawings

REVIEWED
ADD2019-00040
Daniel Munt, Planner
Lee County DCD
4/5/2019

EXHIBIT A

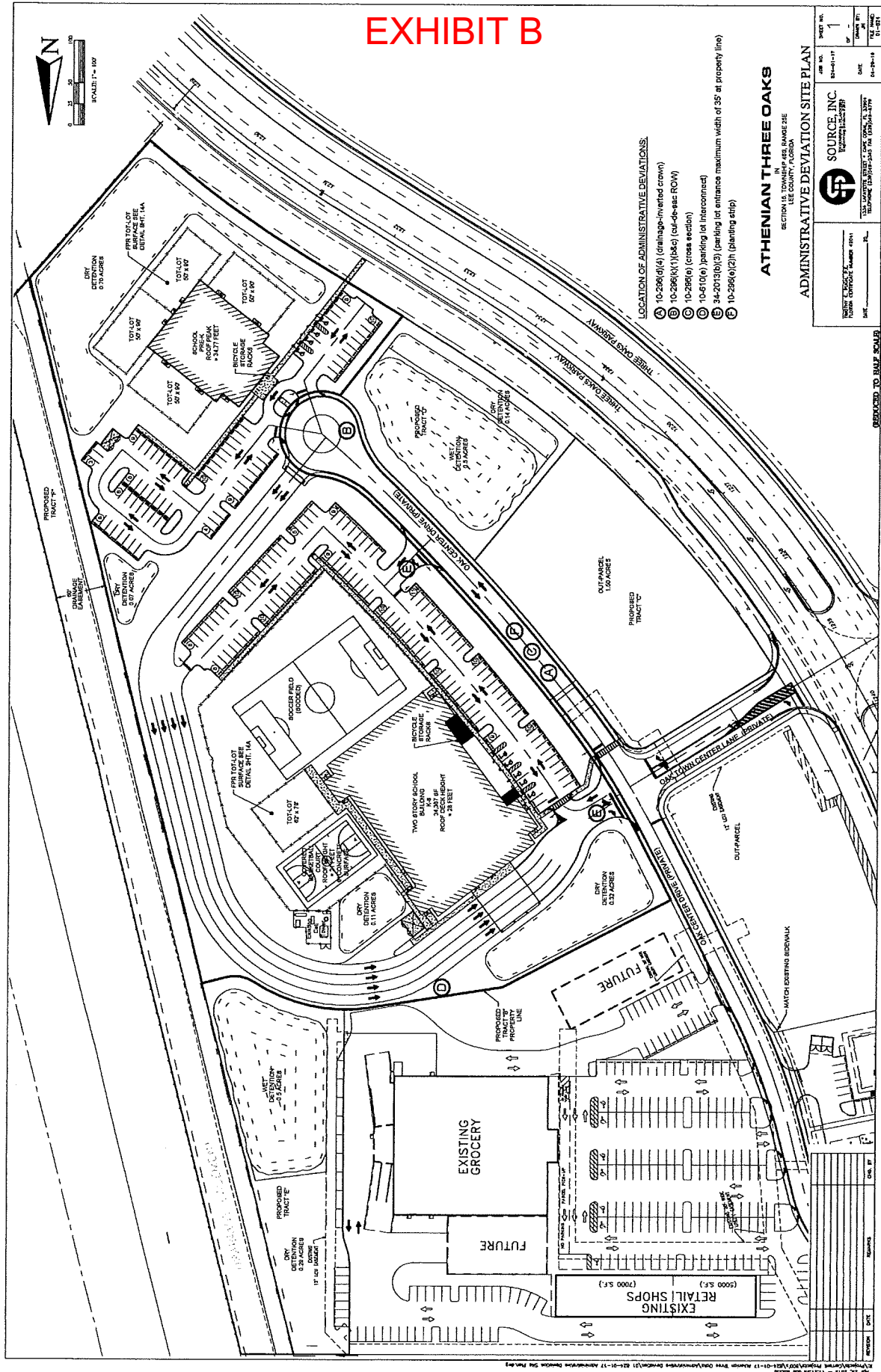
CASE NUMBER: ADD2019-00040

STRAP NUMBERS

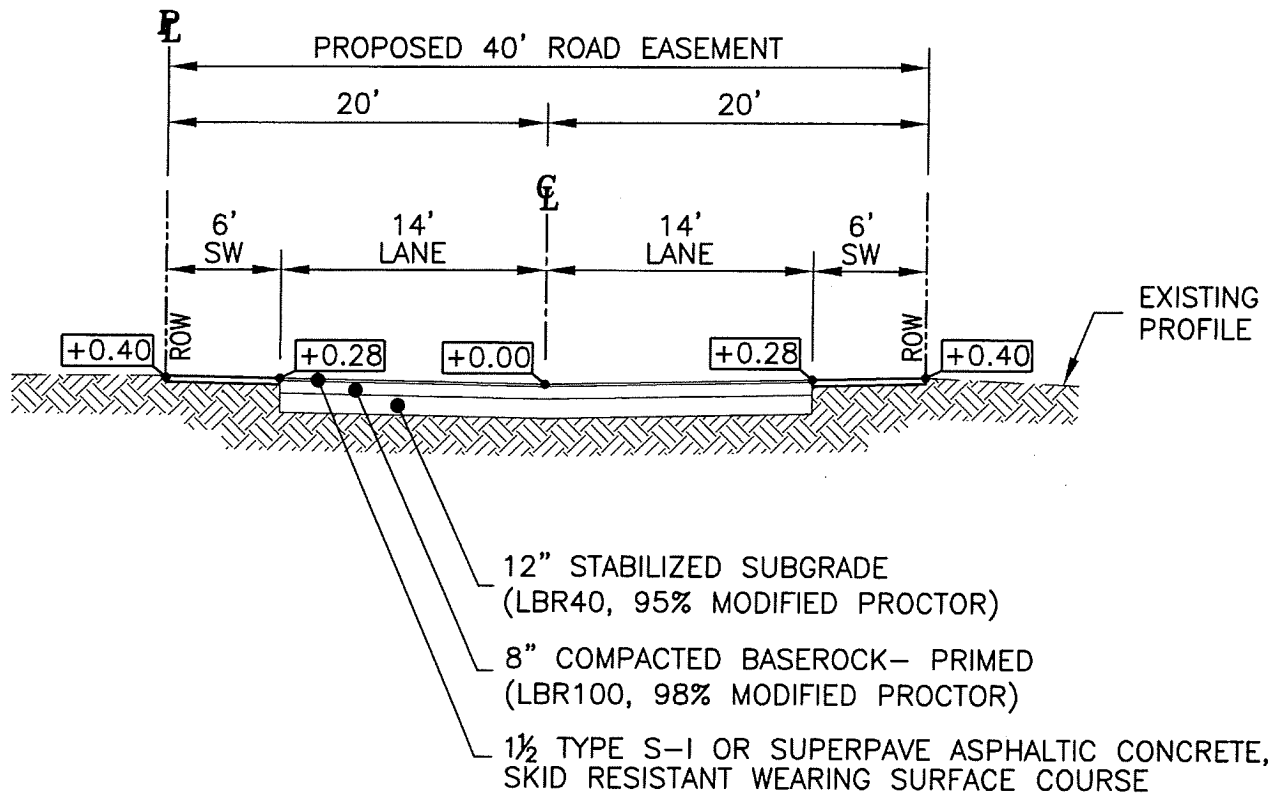
15-46-25-L3-U2114.2770

15-46-25-L3-U2112.2787

EXHIBIT B



ROAD INVERTED CROWN



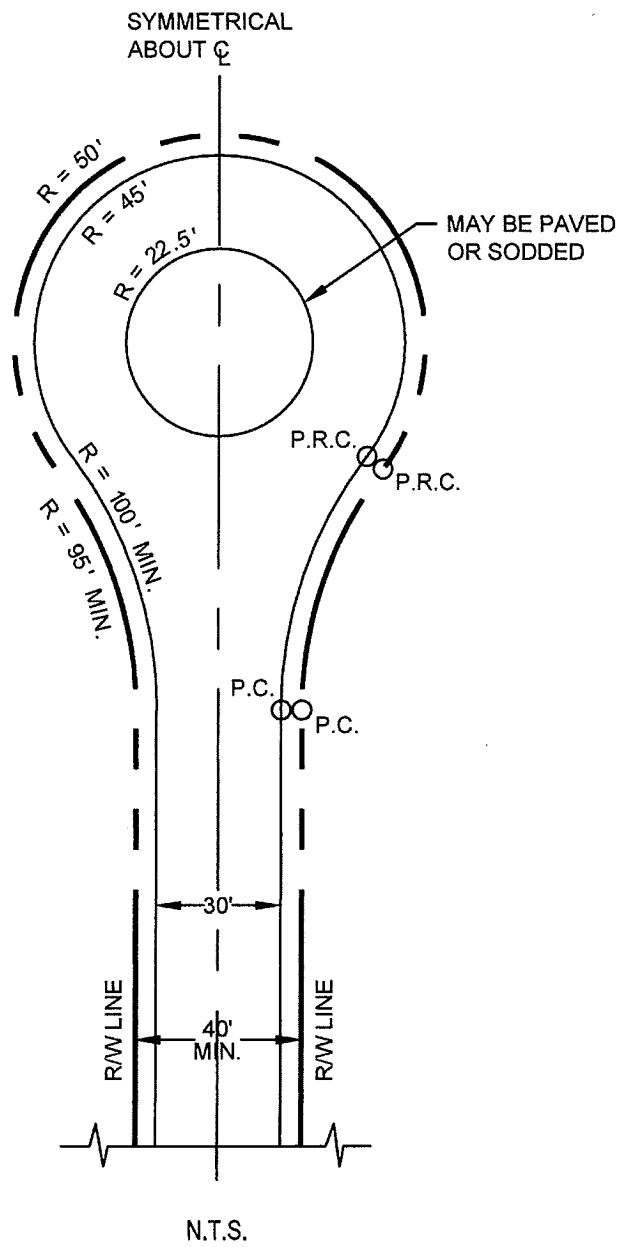
LEGEND:

+0.00 ELEVATION ABOVE $\mathcal{C}$ GRADE

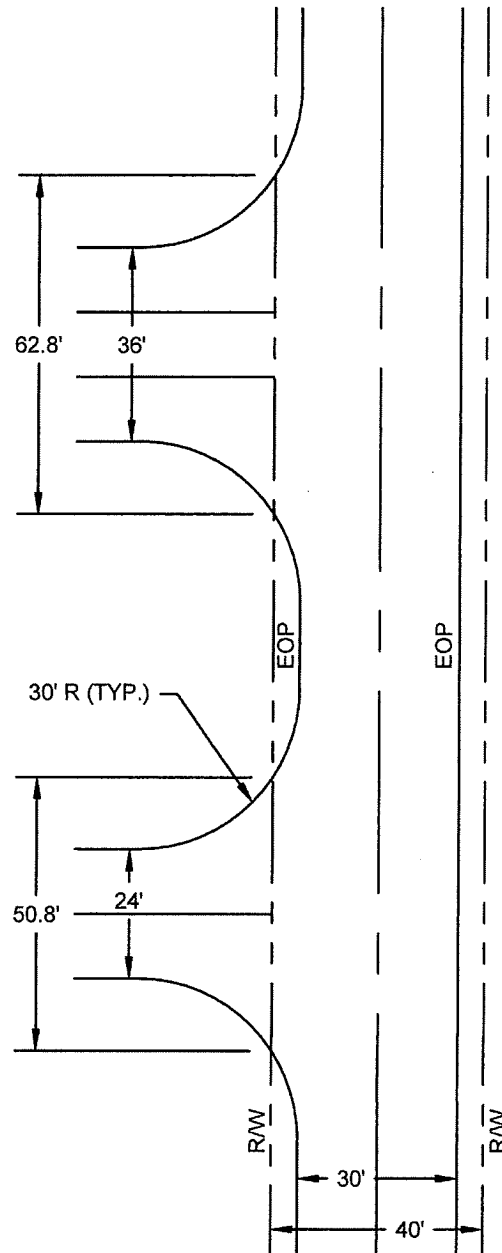
SECTION VIEW
N.T.S.

EXHIBIT C

CUL-DE-SAC INVERTED CROWN



PARKING LOT ENTRANCE WIDTH



PLAN VIEW
N.T.S.