

Block, Alvin

From: Block, Alvin
Sent: Wednesday, April 03, 2019 12:43 PM
To: rlosee@laidesignassoc.com
Cc: Loveland, David; Ennis, Audra; Sulzer, Jessica; Mahlbacher, John; Block, Alvin; Workman, Elizabeth
Subject: ADD2019-00040, Athenian - Three Oaks Charter School

Good Afternoon:

In an initial review of the Application for Administrative Deviation, I have the following comments for the applicant to respond to:

1. Four Deviations have been sought from the Land Development Code (LDC). These are from:
 - Deviation from LDC Section 10-296(e)(2)h
 - Deviation from LDC Section 10-296(d)(4)
 - Deviation from LDC Section 10-296(k)(1)(b and c)
 - Deviation from LDC Section 10-296(e)

Each deviation listed in the application form and in the Explanation and Justification states just the Sections being deviated from, but provide no details what the Code Section requires and what alternative design is being sought. Please advise if the applicant is seeking complete relief from the Code Section, or if an alternative design is sought by each deviation. If there is an alternative design, can the applicant explain what the alternative is?

2. LDC Sections 10-104(b and c) provide the criteria the County will use to consider granting each of the requested deviations and requests the applicant provide a written statement stating how the proposed alternative meets the criteria in subsection (b). The submitted Explanation and Justification provides a single response for all four deviations. Is this the document to be used by Lee County to consider the applicant's reasoning for each of the requested deviations?
3. Please provide revised drawings (Master Drainage Plan and Cross-Section A-A) depicting where each deviation will be effective.

I have asked the other review staff to try to provide their comments before the end of this week. As additional comments are received, I will be passing those along for your review and comment.

As you formally respond to the comments, please make sure these are filed through the Zoning Counter of our office, so the re-submittal can be stamped in and tracked.

If you have any questions, please feel free to contact me directly and I will be happy to respond.

Alvin "Chip" Block, AICP

Planner, Principal
Lee County Department of Community Development
Zoning Section
Phone: (239) 533-8371
E-mail: ABlock@leegov.com

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Block, Alvin

From: Block, Alvin
Sent: Friday, April 05, 2019 10:07 AM
To: rlosee@laidesignassoc.com
Cc: Loveland, David; Ennis, Audra; Sulzer, Jessica; Mahlbacher, John; Block, Alvin; Workman, Elizabeth
Subject: ADD2019-00040, Athenian - Three Oaks Charter School
Attachments: ADD2019-00040 - Athenian - Three Oaks Charter School - DS Memo - V1 - 19....pdf;
ADD2019-00040 - Athenian - Three Oaks Charter School - DS Memo - V1 - 19....docx

Attached in both PDF and Word formats are the comments provided by Development Services.

Please review the comments sent on Wednesday April 3, 2019 and the comments in the attached documents. Please prepare and submit a response to these comments along with any other information and supporting documentation.

Please let me know when you have submitted the applicant's responses through the Zoning Counter, so County staff can review the completeness and sufficiency of the application.

Thank you. If you have any questions please feel free to contact me.

Alvin "Chip" Block, AICP

Planner, Principal

Lee County Department of Community Development

Zoning Section

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E-mail: ABlock@leegov.com

Please note: Florida has a very broad public records law. Most written communications to or from County Employees and officials regarding County business are public records available to the public and media upon request. Your email communication may be subject to public disclosure.

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Department of Community Development
Development Services Section

MEMORANDUM

Date: April 5, 2019

To: Chip (Alvin) Block

From: John Mahlbacher

Subject: ADD2019-00040
Athenian - Three Oaks Charter School
Development Services Engineer Sufficiency Review – V1

General LDC Comments:

Development Services has reviewed the information submitted on 3/21/19 and offer the following comments:

Please provide a written statement (explanation and justification request letter) that identify each deviation separately, the applicant's proposed alternates for each deviation separately and the applicant's justification for each deviation separately showing how each proposed alternate meets the required criteria per LDC Section 10-104(b), 10-104(c)(3), and 10-104(c)(4).

Please provide alternate proposal plans that identify each deviation separately and the applicant's proposed alternates for each deviation separately per LDC Section 10-104(c)(2) and 10-104(c)(4).

Please clearly identify on the alternate proposal plans the proposed required improvements that deviations are not being requested for per LCLDC Section 10-104(c)(2) and 10-104(c)(4).

The applicant provided an excerpt from a Florida Statute; please provide a citation for the provided Florida Statute.

A deviation from LDC Section 10-296 street design and construction standards for road design must meet the standards and criteria established by FDOT in the Florida Greenbook with consideration of the Plans Preparation Manual and guidance in AASHTO publications per LDC Section 10-296(d)(3), please demonstrate how the alternate proposal plans meet these standards and criteria.

Comments noted herein are intended to reflect Lee County Land Development Code (LCLDC or LDC) requirements however, this review in no way guarantees that full compliance with the criteria set forth by the LDC has been achieved.



Department of Community Development
Development Services Section

MEMORANDUM

Requested Deviations:

APPLICANT REQUEST, DEVIATION 1: The Applicant requests to deviate from LDC Section 10-296(e)(2)h (Planting Strips).

DEVELOPMENT SERVICES COMMENT, DEVIATION 1: The Applicant has stated in the deviation request that the deviation request is from LDC Section 10-296(e)(2)h (Planting Strips), LDC Section 10-296(e)(2)h is regarding Suburban context design criteria. This project is located in an Urban Future Land Use Area, not a suburban. LDC Section 10-296(e)(2)h is not regarding Planting Strips, please consider LDC Section 10-296(e)(1)c.

APPLICANT REQUEST, DEVIATION 2: The Applicant requests to deviate from LDC Section 10-296(d)(4) (drainage-inverted crown)

APPLICANT REQUEST, DEVIATION 3: The Applicant requests to deviate from LDC Section 10-296(k)(1)(b&c) (cul-de-sac ROW).

APPLICANT REQUEST, DEVIATION 4: The Applicant requests to deviate from LDC Section 10-296(e) (cross-section).

APPLICANT JUSTIFICATION, DEVIATION GENERAL: The applicant claims the justification is all the deviations have to do with the continuation of the existing Oaks Center Drive. Oak Center Drive, and it's existing cross section, was approved by previous action of the County Commission, and was built and approved by the County. It is our intent to continue the existing cross section further to the south to provide access to the newly proposed charter school and adjacent out parcels. As you will see all the requested Deviations are associated with our request to extend the new section of Oak Center Drive to match the existing section.

DEVELOPMENT SERVICES COMMENT, DEVIATION GENERAL: The applicant claims the justification is Oak Center Drive's existing cross section, was approved by previous action of the County Commission, and was built and approved by the County, but this is not consistent with County records as this is a privately maintained road that was constructed by a developer associated with a development project in 1990, please substantiate this applicant claim. The deviation request does not appear clearly stated or justified, the deviation request and justification needs to be provided consistent with that required per LDC Section 10-104(b & c). The deviation request as submitted is insufficient; therefore Development Services Staff cannot support this deviation request at this time.

Proposed Conditions:

No additional conditions proposed at this time.



Department of Community Development
Development Services Section

MEMORANDUM

Disposition:

I have signed off as insufficient.

Block, Alvin

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Sent: Friday, April 05, 2019 3:10 PM
To: 'rlosee@laidesignassoc.com'
Cc: Loveland, David; Ennis, Audra; Sulzer, Jessica; Mahlbacher, John; Workman, Elizabeth; Block, Alvin
Subject: ADD2019-00040, Athenian - Three Oaks Charter School

Mr. Losee:

In discussion with the Development Services staff you should also consider seeking deviations from the following Lee County Code Sections: LDC Section 34-2013(b)(3) and LDC Section 10-610.

• **Sec. 34-2013. - Access.**

a) Parking lots must be designed to permit vehicles exiting the parking lot to enter the street right-of-way or easement in a forward motion. The Director may administratively approve parking to back out into rights-of-way in residential developments subject to the following limitations:

- (1) The street must be a privately owned and maintained, low-volume, local street.
- (2) All parking spaces must be for amenities to the development such as parks and recreational facilities and not for dwelling units or commercial uses.
- (3) Parking spaces may be perpendicular or at a 30 or 45 degree angle to the roadway, and must comply with the parking space dimensions set forth in [section 34-2016](#)(1). The Director may require surfacing to comply with [section 34-2017](#)(a) or (b), depending on the type of amenity served.

(b) Each parking lot must have a distinct parking lot entrance. The entrance must meet the requirements of [chapter 10](#), as well as the following:

- (1) Minimum width at property line for one-way entrances is 15 feet.
- (2) Minimum width at property line for two-way entrances is 24 feet.
- (3) Maximum width at property line is 35 feet.

The Director may determine that high traffic volumes or other special circumstances warrant other requirements.

Development Services staff reports at least two entrances into parking lots within the development may exceed 35 feet in width.

Also Development Services reports LDC Section 10-610(e) requires "Adjacent commercial uses must provide parking lot interconnections for automobile traffic." This CPD zoned property site abuts commercial development and the proposed project is required by this Section to interconnect with the adjacent commercial.

Please consider seeking these deviations, if you desire to develop the site as planned.

Alvin "Chip" Block, AICP

Planner, Principal
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 Zoning Section
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Please let me know when you have submitted the applicant's responses through the Zoning Counter, so County staff can review the completeness and sufficiency of the application.

Thank you. If you have any questions please feel free to contact me.

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