



**APPLICATION TO AMEND A
PLANNED DEVELOPMENT OR PUD
and/or
APPLICATION FOR FINAL PLAN APPROVAL
IN UNINCORPORATED AREAS ONLY**
[LDC Section 34-380 or 34-1037]

Project Name: Athenian Three Oaks Charter

Current Zoning: CPD

- ☒ Amendment to a PD or PUD to allow: Deviation to LDC Sec. 10.285 Table 1 Connection Separation Table
☐ Final Plan Approval for: _____

-
1. **Name of Applicant:** Pan TC Land, LLC Alan C. Freeman, Manager
Address: 1389 Jetport Loop Road Suite 9
City, State, Zip: Fort Myers, FL 33913
Phone Number: 239-267-3999
E-mail Address: fregroup@aol.com

 2. **Relationship of Applicant to owner (check one) and provide Affidavit of Authorization form:**
☒ Applicant is the sole owner of the property. [34-201(a)(1)a.1.]
☐ Applicant has been authorized by the owner(s) to represent them for this action. [34-203(a)(3)]

 3. **Authorized Agent: (If different than applicant) Name of the person who is to receive all County-initiated correspondence regarding this application. [34-203(a)(4)]**
 - a. **Company Name:** BJM Consulting, Inc.
Contact Person: Joseph Mazurkiewicz
Address: PO Box 101655
City, State, Zip: Cape Coral, FL 33915
Phone Number: 239-470-5778 **Email:** joe@bjmconsult.com

 - b. **Additional Agent(s):** Provide the names of other agents that the County may contact concerning this application. [34-203(a)(4)]

 4. **Property owner(s): If multiple owners (corporation, partnership, trust, association), provide a list with owner interest. [34-203(a)(2)]**
Name: _____
Address: _____
City, State, Zip: _____
Phone Number: _____ **E-mail:** _____

 5. **Disclosure of Interest [34-203(a)(2)]:**
☒ Attach Disclosure of Interest Form.

 6. **STRAP Number(s) [34-205(a)(5)]:**
15-46-25-L3-18000-0020

 7. **Street Address of Property:** 0 Access Undetermined Ft. Myers, FL 33967

RECEIVED
JUL 23 2019

LEE COUNTY COMMUNITY DEVELOPMENT
PO BOX 398 (1500 MONROE STREET), FORT MYERS, FL 33902
PHONE (239) 533-8585

COMMUNITY DEVELOPMENT

8. **Legal Description (must submit one):**

☐ Legal description (metes and bounds) and sealed sketch of the legal description. [34-204(a)(5)]

OR

☐ Legal description (NO metes and bounds) if the property is located within a subdivision platted per F.S. Chapter 177, and is recorded in the Official Records of Lee County under Instruments or Plat Books. (Click [here](#) to see an example of a legal description with no metes and bounds.) [34-204(a)(5)]

9. **Lee Plan (Future Land Use) Designation:** Urban Community

10. **Original Project Name:** Athenian Three Oaks Charter

11. **Original Rezoning Resolution Number:** NA

12. **Subsequent Zoning Action Resolution/Case Numbers** (if any): Please list all previous zoning and administrative actions (approvals and denials) on this project subsequent to original rezoning. Include Resolution Numbers and Case Numbers (provide added sheets, if necessary).

ADD2019-00040

13. **Development Order Numbers** (if any): List all local development orders approved on this project. Please indicate the status of each development order (provide added sheets, if necessary).

DOS2018-00030

14. **Written Narrative:** Provide a written narrative statement explaining exactly what is proposed. [34-373(a)(5)]

15. **Deviations:** If any relief is requested from the provisions of the Lee County Land Development Code (LDC), provide a **written explanation** of the specific relief requested (a schedule of deviations). Explain what conditions currently exist which warrant this request for relief from the regulations (a written justification for each of the requested deviations). Include specific references to any section (number{s} and name{s}) of the LDC from which relief is sought including why the requested relief is necessary and how it will affect the project. All deviation requests must be specifically keyed to the location on the Master Concept Plan or Final Plan. [34-373(a)(9)]

16. **Planning Community or Community Plan Area*:** San Carlos

*If in Caloosahatchee Shores [33-1482], Captiva [33-1612], Estero [33-64], Lehigh Acres [33-1401], North Fort Myers [33-1532], North (Upper) Captiva [33-1711], or Page Park [33-1203], attach meeting summary from informational meeting.

17. **Approved Master Concept Plan (MCP):** Provide an APPROVED MCP and DETAILED DRAWINGS of any DEVIATIONS OR CHANGES BEING PROPOSED at a size of 24"x36". [34-373(a)(6)]

18. **Proposed Final Plan (for Final Plan Approval applications only):** Provide a copy of the proposed Final Plan consistent with the approved Master Concept Plan and the approved Zoning Resolution at a size of 24"x36". This proposed Final Plan must show any DEVIATION(s) keyed on the plan to identify the location of the specific deviation. [34-373(a)(6)]

SUBMITTAL REQUIREMENT CHECKLIST	
<i>Clearly label your attachments as noted in bold below.</i>	
☒	Completed application [34-203(a)(1)]
☒	Filing Fee [34-201(d)]
☒	Affidavit of Authorization Form [34-203(a)(3)]
☐	Additional Agents [34-203(a)(4)]
☐	Multiple Owners List (if applicable) [34-203(a)(2)]
☒	Disclosure of Interest Form [34-203(a)(2)]
☐	Legal description (must submit one) [34-203(a)(5)]
☐	Legal description (metes and bounds) and sealed sketch of legal description
	OR
☐	Legal description (NO metes and bounds) if the property is located within a subdivision platted per F.S. Chapter 177, and is recorded in the Official Records of Lee County under Instruments or Plat Books. (Click here to see an example of a legal description with no metes and bounds.)
☒	Previous Zoning Actions (if applicable)
☒	DO Numbers (if applicable)
☒	Narrative of Request [34-373(a)(5)]
☐	Schedule of Deviations (if applicable) [34-373(a)(9)]
☐	Meeting Summary (if applicable)
☐	MCP and detailed drawings of any proposed deviations (if applicable) (24"x36") [34-373(a)(6)]
☒	Proposed Final Plan including deviations keyed to the plan (24"x36") [34-373(a)(6)]

Note: All information submitted with the application becomes a part of the public record and will be a permanent part of the file. Department staff will review this application for compliance with requirements of the Lee County Land Development Code. The applicant will be notified of any deficiencies.

Acceptance of an application for an administrative amendment in no way guarantees its approval. If the Director determines that the requested amendment is beyond the scope of Land Development Code Section 34-380 or 34-1036 and that a public hearing is necessary, then all fees paid toward the administrative application may be applied toward an application for public hearing.

The Director's decision on an administrative amendment is final and can not be appealed. In the event the Director denies the request, the applicant's only recourse is to apply for a public hearing. No fees paid for the administrative application will be refunded or applied towards the public hearing.

If it is determined that inaccurate or misleading information was provided to the county or the decision does not comply with the Land Development Code 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.

AFFIDAVIT OF AUTHORIZATION

APPLICATION IS SIGNED BY INDIVIDUAL OWNER, APPLICANT, CORPORATION, LIMITED LIABILITY COMPANY (L.L.C.), LIMITED COMPANY (L.C.), PARTNERSHIP, LIMITED PARTNERSHIP, OR TRUSTEE

I, Alan C. Freeman (name), as Manager
(owner/title) of Pan TC Land, LLC (company/property), swear or affirm under oath, that I am the owner or the authorized representative of the owner(s) of the property and that:

1. I have full authority to secure the approval(s) requested and to impose covenants and restrictions on the referenced property as a result of any action approved by the County in accordance with this application and the Land Development Code;
2. All answers to the questions in this application and any sketches, data or other supplementary matter attached hereto and made a part of this application are honest and true;
3. I have authorized the staff of Lee County Community Development to enter upon the property during normal working hours for the purpose of investigating and evaluating the request made thru this application; and that
4. The property will not be transferred, conveyed, sold or subdivided unencumbered by the conditions and restrictions imposed by the approved action.

***Notes:**

- If the applicant is a corporation, then it is usually executed by the corp. pres. or v. pres.
- If the applicant is a Limited Liability Company (L.L.C.) or Limited Company (L.C.), then the documents should typically be signed by the Company's "Managing Member."
- If the applicant is a partnership, then typically a partner can sign on behalf of the partnership.
- If the applicant is a limited partnership, then the general partner must sign and be identified as the "general partner" of the named partnership.
- If the applicant is a trustee, then they must include their title of "trustee."
- In each instance, first determine the applicant's status, e.g., individual, corporate, trust, partnership, estate, etc., and then use the appropriate format for that ownership.

Under penalties of perjury, I declare that I have read the foregoing Affidavit of Authorization and that the facts stated in it are true.

Alan C. Freeman Manager
Signature

7/19/19
Date

*****NOTE: NOTARY PUBLIC IS NOT REQUIRED FOR ADMINISTRATIVE APPROVALS*****
ALL OTHER APPLICATION TYPES MUST BE NOTARIZED

STATE OF FLORIDA
COUNTY OF LEE

The foregoing instrument was sworn to (or affirmed) and subscribed before me on 7/19/2019 (date) by Alan C. Freeman (name of person providing oath or affirmation), who is personally known to me or who has produced NA (type of identification) as identification.

STAMP/SEAL



Annette M. Carrasquillo
NOTARY PUBLIC
STATE OF FLORIDA
Comm# GG116285
Expires 7/15/2021

[Signature]
Signature of Notary Public

DISCLOSURE OF INTEREST AFFIDAVIT

BEFORE ME this day appeared Alan C. Freeman, who, being first duly sworn and deposed says:

1. That I am the record owner, or a legal representative of the record owner, of the property that is located at 18751 Three Oaks Parkway and is the subject of an Application for zoning action (hereinafter the "Property").

2. That I am familiar with the legal ownership of the Property and have full knowledge of the names of all individuals that have an ownership interest in the Property or a legal entity owning an interest in the Property.

[OPTIONAL PROVISION IF APPLICANT IS CONTRACT PURCHASER: In addition, I am familiar with the individuals that have an ownership interest in the legal entity that is under contract to purchase the Property.]

3. That, unless otherwise specified in paragraph 6 below, no Lee County Employee, County Commissioner, or Hearing Examiner has an Ownership Interest in the Property or any legal entity (Corporation, Company, Partnership, Limited Partnership, Trust, etc.) that has an Ownership Interest in the Property or that has contracted to purchase the Property.

4. That the disclosure identified herein does not include any beneficial Ownership Interest that a Lee County Employee, County Commissioner, or Hearing Examiner may have in any entity registered with the Federal Securities Exchange Commission or registered pursuant to Chapter 517, whose interest is for sale to the general public.

5. That, if the Ownership Interest in the Property changes and results in this affidavit no longer being accurate, the undersigned will file a supplemental Affidavit that identifies the name of any Lee County Employee, County Commissioner, or Hearing Examiner that subsequently acquires an interest in the Property.

6. Disclosure of Interest held by a Lee County Employee, County Commissioner, or Hearing Examiner.

Name and Address	Percentage of Ownership
NA	

Under penalty of perjury, I declare that I have read the foregoing and the facts alleged are true to the best of my knowledge and belief.

Alan C. Freeman
Property Owner
Alan C. Freeman
Print Name

*****NOTE: NOTARY PUBLIC IS NOT REQUIRED FOR ADMINISTRATIVE APPROVALS*****
ALL OTHER APPLICATION TYPES MUST BE NOTARIZED

STATE OF FLORIDA
COUNTY OF LEE

The foregoing instrument was sworn to (or affirmed) and subscribed before me on
7/19/2019 (date) by Alan C. Freeman (name of
person providing oath or affirmation), who is personally known to me or who has produced
NA (type of identification) as identification.

STAMP/SEAL



Annette M. Carrasquillo
NOTARY PUBLIC
STATE OF FLORIDA
Comm# GG116285
Expires 7/15/2021

[Signature]
Signature of Notary Public

Joe Mazurkiewicz

From: Ennis, Audra <AEnnis@leegov.com>
Sent: Friday, July 19, 2019 12:05 PM
To: Joe Mazurkiewicz; Block, Alvin; Mahlbacher, John
Cc: 'Annette Carrasquillo'; Sulzer, Jessica
Subject: RE: [EXTERNAL] RE: ADD2019-00040, Athenian Charter School

Joe,
Please submit using the planned development amendment application, but submit the \$400 fee associated with a Chapter 10 deviation. It would be advantageous to include a copy of this email with your submission to eliminate the need for intake staff to verify the fee, as it does differ from that generally associated with PD amendment applications. We will get the application processed as expeditiously as possible.

Kind Regards,

Audra Ennis
Zoning Manager
Lee County Community Development
(239)533-8335 (Phone)
(239)485-8344 (Fax)
AEnnis@leegov.com

From: Joe Mazurkiewicz [mailto:joe@bjmconsult.com]
Sent: Friday, July 19, 2019 11:54 AM
To: Ennis, Audra; Block, Alvin; Mahlbacher, John
Cc: 'Annette Carrasquillo'
Subject: RE: [EXTERNAL] RE: ADD2019-00040, Athenian Charter School

Audra:

The section is 10-285 Connection separation for a local road for motor vehicle connection access of 60' to allow separations of 33.59' and 38.24' on the cul-de sac.

Joe Mazurkiewicz, Jr. Ph.D.
President, BJM Consulting, Inc.
PO Box 101655
Cape Coral, FL 33910
Email: joe@bjmconsult.com
Web site: www.BJMConsult.com
Phone: 239-470-5778

From: Ennis, Audra [mailto:AEnnis@leegov.com]
Sent: Friday, July 19, 2019 10:16 AM
To: Block, Alvin <ABlock@leegov.com>; Joe Mazurkiewicz <joe@bjmconsult.com>; Mahlbacher, John <JMahlbacher@leegov.com>
Cc: 'Annette Carrasquillo' <annettec@laidesignassoc.com>
Subject: RE: [EXTERNAL] RE: ADD2019-00040, Athenian Charter School



Joe Mazurkiewicz, Jr.
President
P O Box 101655
Cape Coral, FL 33910

Telephone 239-470-5778
Email: joe@bjmconsult.com

July 20, 2019

David Loveland, AICP, Director
Lee County Community Development
1500 Monroe St.
Fort Myers, FL 33901

RE: DOS2018-00030: Explanation and Justification of Amendment of development
Order for Athenian –Three Oaks Charter School (Revised)

Mr. Loveland:

BJM Consulting, Inc. has been retained by LAI Construction Management, Inc. to assist them in gaining approval of two necessary Administrative Deviations to the DO for their Charter School project in Three Oaks.

Both the deviations have to do with the required separation for access points set out in LDC Section 10.285 Table 1 between the two entrances to the Pre-k parking lot and the separation between the south entrance to the K-8 parent pickup loop and the west entrance to the Pre-K Parking lot. All three accesses in question are on to Oaks Center Drive.

The first amendment is to include a Deviation to LDC Sec 10.285 Table 1 Connection Separation Table to allow for a separation of 33.59' between the two entrances to the Pre-K parking lots; a 26.41 deviation to the required 60'.

Exhibit #1 is the approved site plan showing the entire site. Exhibit #2 shows all three access points in question to Oak Center Drive with the requested separations.

In support of both of our requested deviations we would like to point out LDC Sec. 10-285 Table 1 clearly recognizes the relationship with type of roads, adjoining land use and posted speed limits. The more density and greater the speed the greater the required separation.

Oak Center Drive is classified as a local road requiring a 60' connection separation. The posted speed for this section of Oak Center Drive will be far less than 45mph and all three access points will be at the Cul-De-Sac where the speed will be even slower. It

is the location of the access points at the Cul-De-Sac that supports the safe granting of our requested deviations.

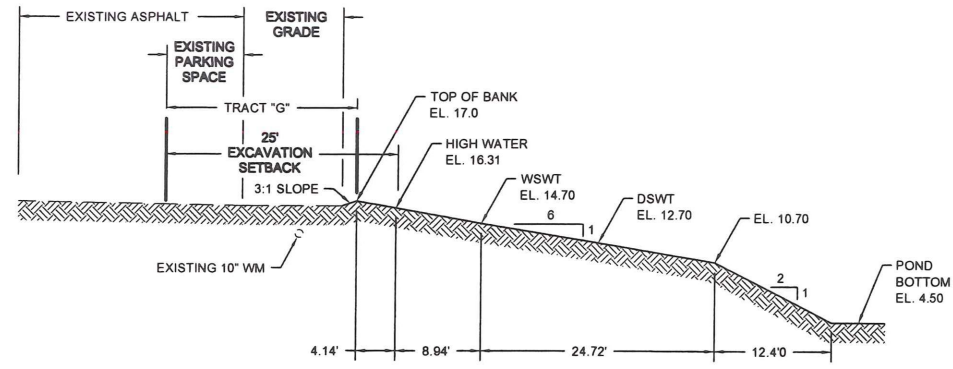
The granting of the deviations are not inconsistent with any specific policy directive of the Board of County Commissioners, any other ordinance or any Lee Plan provision.

Based on the above we respectfully request we are granted the Administrative Deviations laid out in this application.

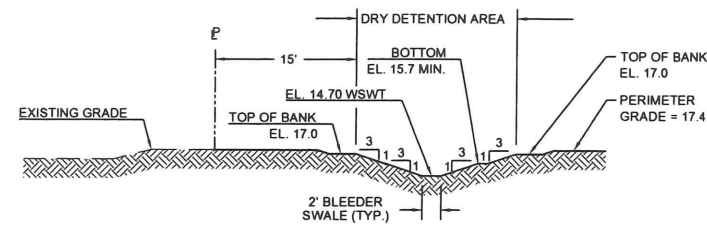
Sincerely,

Joe Mazurkiewicz, Jr.

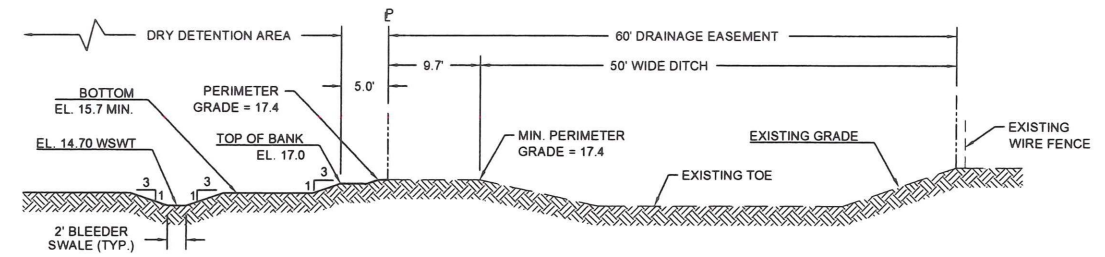
Joe Mazurkiewicz, Jr.
President, BJM Consulting, Inc.



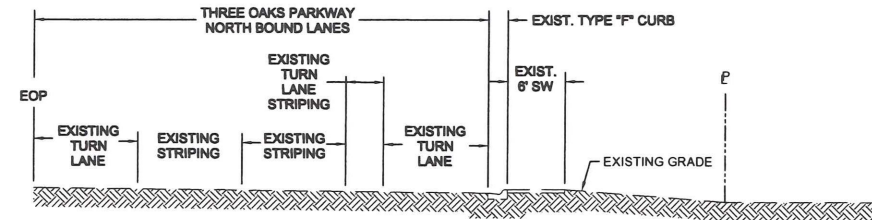
SECTION K-K
SCALE: 1"=20'



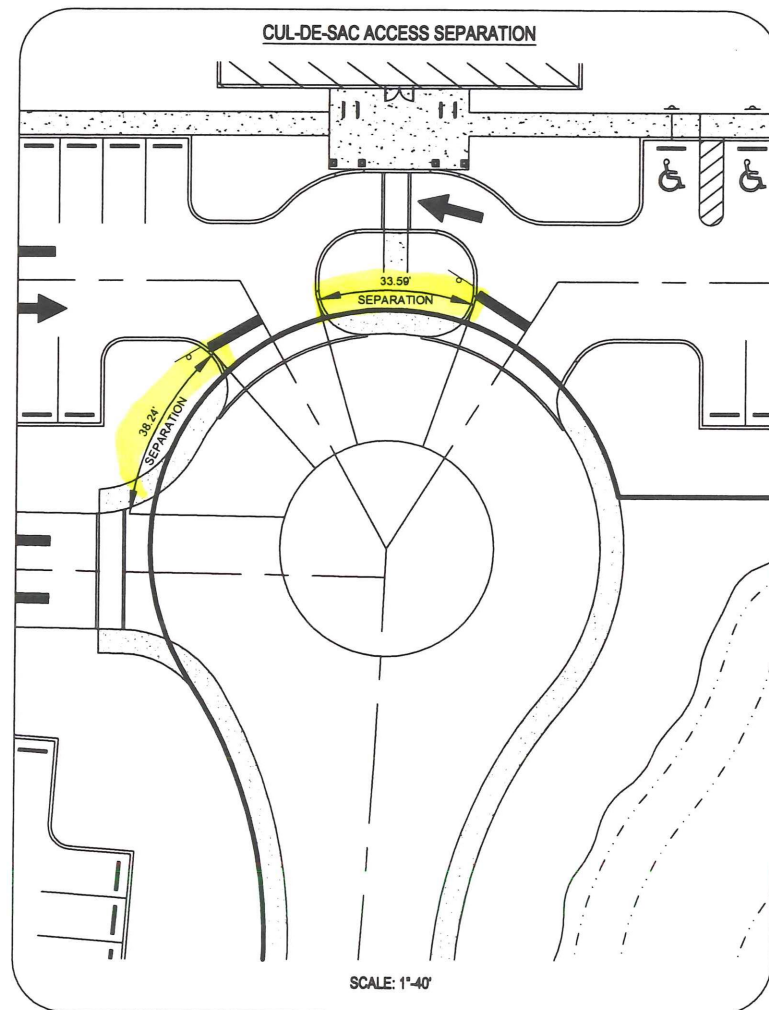
SECTION M-M
SCALE: 1"=20'



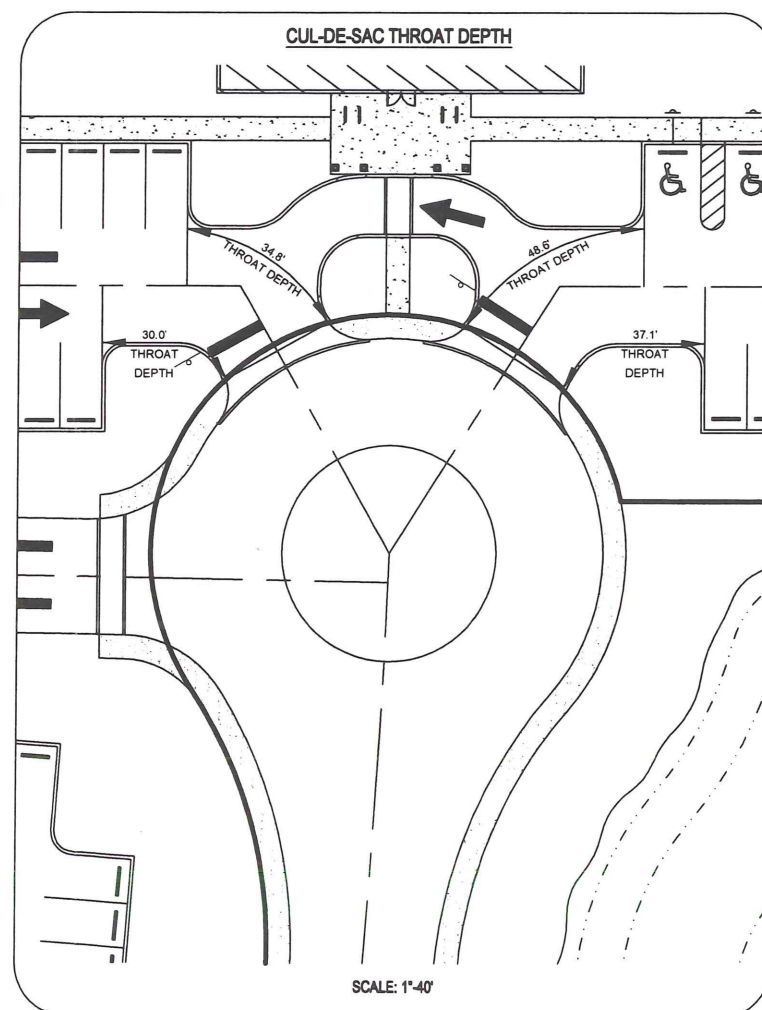
SECTION L-L
SCALE: 1"=20'



SECTION N-N
SCALE: 1"=20'



SCALE: 1"=40'



SCALE: 1"=40'

NOTE:
SEE SHEET 5 FOR
SECTION LOCATIONS,
SEE SHEET 14A FOR
SECTION I-I.

ATHENIAN THREE OAKS

IN
SECTION 15, TOWNSHIP 46S, RANGE 25E
LEE COUNTY, FLORIDA

CROSS SECTIONS

TIMOTHY E. PUGH, P.E. FLORIDA CERTIFICATE NUMBER 42041	SOURCE, INC. ENGINEERS - PLANNERS Engineering Division # 2527 1334 LAFAYETTE STREET • CAPE CORAL, FL 33904 TELEPHONE (239)549-2345 FAX (239)549-6779	JOB NO. 824-01-17	SHEET NO. 12A
		DATE 05-14-19	DRAWN BY: JN FILE NAME: 12A-B24

(REDUCED TO HALF SCALE)

REVISION	DATE	REMARKS	CHG. BY
7	05-14-19	REVISED PER LEE COUNTY COMMENTS 05-13-19	JN

REFUSE AND SOLID WASTE DISPOSAL AREAS:

SOLID WASTE DISPOSAL REQUIREMENTS PER LEE COUNTY LAND DEVELOPMENT CODE SECTION 10-261 (COMMERCIAL BUSINESS BUILDING SQ. FT.)

PRE-K SCHOOL BUILDING

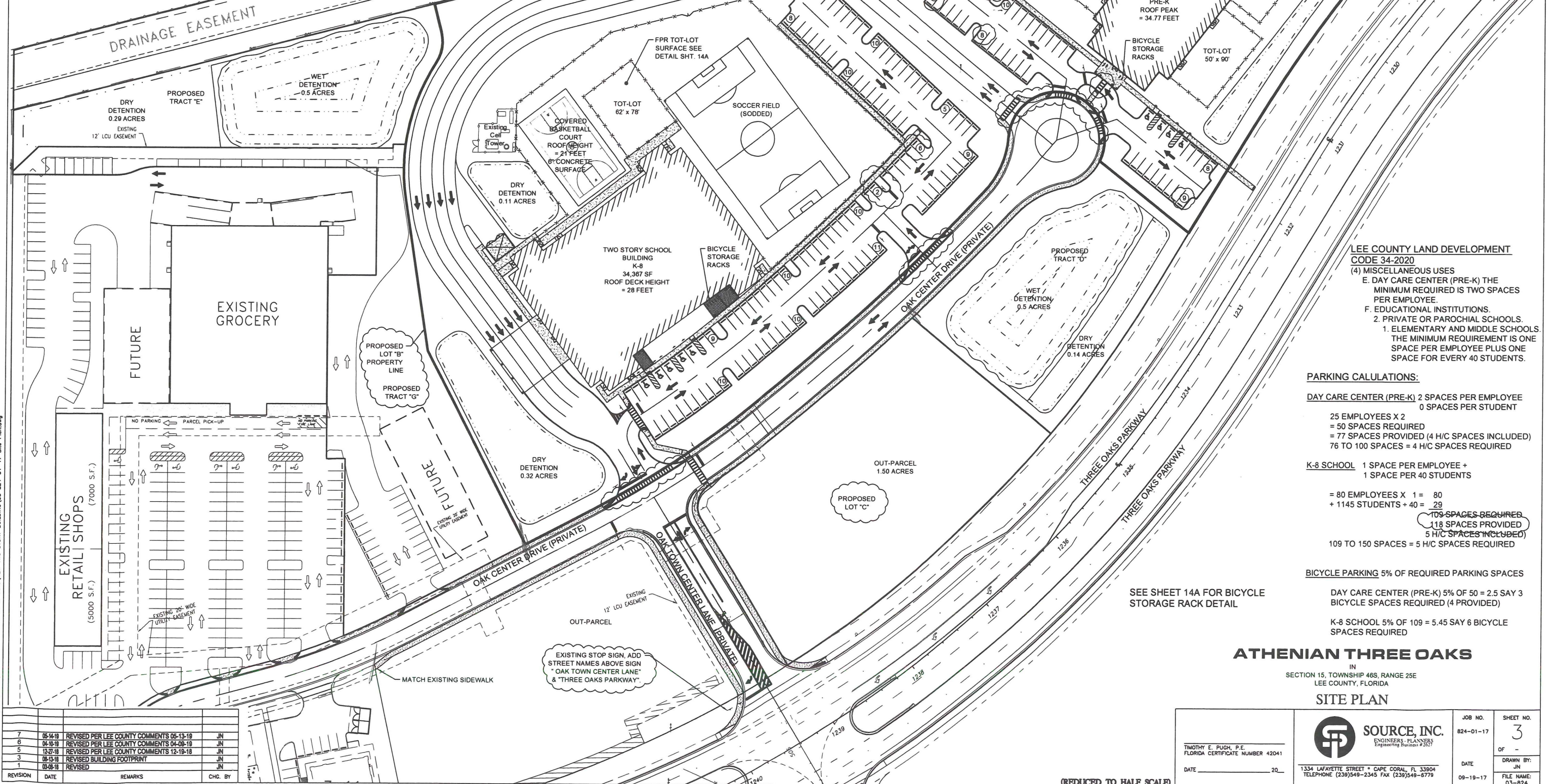
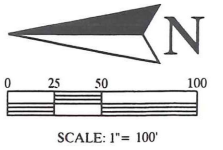
BUILDING = 18,417 SF
MINIMUM REQUIRED: 10,001 - 25,000 SF: 120 SF GARBAGE + 96 SF RECYCLE
TOTAL REQUIRED = 120 SF + 96 SF = 216 SF
TOTAL PROVIDED = 288 SF (12' x 24')

K-8 SCHOOL BUILDING

BUILDING = 55,664 TOTAL NET SF
MINIMUM REQUIRED: 1ST 25,000 SF = 216 SF: (120 SF GARBAGE + 96 SF RECYCLE)
PLUS 8 SF FOR EACH ADDITIONAL 1,000 SF
30,664 SF / 1,000 SF x 8 SF = 246 SF
TOTAL REQUIRED = 216 SF + 246 SF = 462 SF
TOTAL PROVIDED = 480 SF (20' x 24')

NOTE:

1. DUMPSTER ENCLOSURE INCLUDING GATES, ARE REQUIRED ON 4 SIDES OF DUMPSTER PAD, MUST BE ARCHITECTURALLY COMPATIBLE WITH MATERIALS AND COLORS USED IN THE PRINCIPAL STRUCTURE PER LDC SECTION 10-610.
2. A MINIMUM OVERHEAD CLEARANCE OF 22' MUST BE MAINTAINED FOR ACCESS TO THE DISPOSAL FACILITIES (LDC 10-261(b)).
3. FENCING MATERIAL IS NOT PERMITTED TO BE USED FOR GATES ON DUMPSTER ENCLOSURES (LDC 10-610, 10-261(c)).
4. WASTE DISPOSAL STORAGE FACILITIES MUST BE FULLY SCREENED FROM ADJACENT PROPERTIES AND ROADS, THEREFORE REQUIRING GATED. (LDC 10-610)



LEE COUNTY LAND DEVELOPMENT CODE 34-2020

- (4) MISCELLANEOUS USES
- E. DAY CARE CENTER (PRE-K) THE MINIMUM REQUIRED IS TWO SPACES PER EMPLOYEE.
- F. EDUCATIONAL INSTITUTIONS.
2. PRIVATE OR PAROCHIAL SCHOOLS.
1. ELEMENTARY AND MIDDLE SCHOOLS. THE MINIMUM REQUIREMENT IS ONE SPACE PER EMPLOYEE PLUS ONE SPACE FOR EVERY 40 STUDENTS.

PARKING CALCULATIONS:

DAY CARE CENTER (PRE-K) 2 SPACES PER EMPLOYEE
0 SPACES PER STUDENT

25 EMPLOYEES X 2
= 50 SPACES REQUIRED
= 77 SPACES PROVIDED (4 H/C SPACES INCLUDED)
76 TO 100 SPACES = 4 H/C SPACES REQUIRED

K-8 SCHOOL 1 SPACE PER EMPLOYEE +
1 SPACE PER 40 STUDENTS

= 80 EMPLOYEES X 1 = 80

+ 1145 STUDENTS + 40 = 29

109 SPACES REQUIRED
118 SPACES PROVIDED
5 H/C SPACES INCLUDED
109 TO 150 SPACES = 5 H/C SPACES REQUIRED

BICYCLE PARKING 5% OF REQUIRED PARKING SPACES

DAY CARE CENTER (PRE-K) 5% OF 50 = 2.5 SAY 3
BICYCLE SPACES REQUIRED (4 PROVIDED)

K-8 SCHOOL 5% OF 109 = 5.45 SAY 6 BICYCLE
SPACES REQUIRED

ATHENIAN THREE OAKS

IN
SECTION 15, TOWNSHIP 46S, RANGE 25E
LEE COUNTY, FLORIDA

SITE PLAN

TIMOTHY E. PUGH, P.E. FLORIDA CERTIFICATE NUMBER 42041		SOURCE, INC. ENGINEERS, PLANNERS Engineering Business # 2027	JOB NO. 824-01-17	SHEET NO. 3
			OF _____	
DATE _____ 20__	1334 LAFAYETTE STREET * CAPE CORAL, FL 33904 TELEPHONE (239)549-2345 FAX (239)549-6779		DATE 09-19-17	DRAWN BY: JUN FILE NAME: 03-824

(REDUCED TO HALF SCALE)

REVISION	DATE	REMARKS	CHG. BY
7	05-14-19	REVISED PER LEE COUNTY COMMENTS 05-13-19	JN
6	04-10-19	REVISED PER LEE COUNTY COMMENTS 04-09-19	JN
5	12-27-18	REVISED PER LEE COUNTY COMMENTS 12-19-18	JN
3	08-13-18	REVISED BUILDING FOOTPRINT	JN
1	02-28-18	REVISED	JN