

ADMINISTRATIVE AMENDMENT (PD) ADD2013-00115

ADMINISTRATIVE AMENDMENT
LEE COUNTY, FLORIDA

WHEREAS, Burnt Store Mine & Fill LLC filed an application for administrative approval to a Residential Planned Development project known as Burnt Store Acres to allow the following:

- 1. Approval of modifications to the Master Concept Plan, approved within Resolution Number Z-07-013, to increase the lake tract area, reduce the actual water surface of the lake, maintain the established 39,900 square feet minimum lot area and provide a 20' wide lake maintenance area between the rear of the lots and the lake. This 20' wide lake maintenance area is included in the lake tract square footage.**
- 2. Approve a modification to the upland buffer width specified in Section B, Condition #5, of Resolution Z-07-013, which requires a minimum of 50 feet of upland buffer to be provided adjacent to all wetland preserve areas, to allow an average of 50 feet in width.**
- 3. Approve a Deviation to LDC Section 10-329 to extend the allowable time to remove excess spoil from the site from 1 year to 3 years.**

The subject property is located at 4751 Burnt Store Road N, Cape Coral, 33993, described more particularly as:

LEGAL DESCRIPTION: In Section 08 Township 43 South, Range 23 East, Lee County, Florida:

ATTACHED AS EXHIBIT "1"

WHEREAS, the property was originally rezoned in Zoning Resolution Z-04-0009 (with subsequent amendments in Zoning Resolution Z-07-013); and

WHEREAS, the subject property is located in the Open Lands and Wetlands Future Land Use Category as designated on the Future Land Use Map of the Lee County Comprehensive Plan; and

WHEREAS, the Lee County Land Development Code provides for certain administrative changes to planned development master concept plans and planned unit development final development plans; and

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

WHEREAS, Development Services staff has reviewed the Deviation from LDC Section 10-329 finding the extension of the allowed time to remove excess spoil from the site is not expected to result in external impacts and helps achieve the intent of the planned development to develop a residential project; and

WHEREAS, Environmental Sciences has reviewed the change for a minimum buffer from a minimum width of 50 feet in width adjoining the wetland preserve to an average width of 50 feet adjacent to the wetland preserve areas will not result in reduced open spaces or buffers, is interior to the development, and is not expected to adversely impact adjoining properties; and

WHEREAS, it is found that the proposed amendments do not increase density or intensity within the development; do not decrease buffers or open space required by the LDC; do not underutilize public resources or infrastructure; do not reduce total open space, buffering, landscaping or preservation areas; and do not otherwise adversely impact on surrounding land uses.

NOW, THEREFORE, IT IS HEREBY DETERMINED that the application for administrative approval for the following amendments to the Residential Planned Development is **APPROVED, subject to the following conditions:**

Amendments

1. **Approval of modifications to the Master Concept Plan, approved within Resolution Number Z-07-013, to increase the lake tract area, reduce the actual water surface of the lake, maintain the established 39,900 square feet minimum lot area and provide a 20' wide lake maintenance area between the rear of the lots and the lake. This 20' wide lake maintenance area is included in the lake tract square footage.**
2. **Approve a modification to the upland buffer width specified in Section B, Condition #5, of Resolution Z-07-013, which requires a minimum of 50 feet of upland buffer to be provided adjacent to all wetland preserve areas, to allow an average of 50 feet in width.**
3. **Approve a Deviation to LDC Section 10-329 to extend the allowable time to remove excess spoil from the site from 1 year to 3 years.**

Conditions

1. **The terms and conditions of the original zoning resolution, as amended, remain in full force and effect, except as amended herein.**
2. **Development must be in compliance with the amended Master Concept Plan for Burnt Store Acres, last revised 09/18/13. Master Concept Plan for ADD2013-00115, is hereby APPROVED and adopted. A reduced copy is attached hereto as Exhibit 2.**
3. **Deviation from LDC Section 10-329 to extend the allowable time to remove excess spoil from the site from 1 year to 3 years, is hereby APPROVED.**

4. Condition 5 of Resolution Z-07-013 is hereby amended as follows:

~~5. Prior to local development order approval, the development order must delineate a minimum 14.28 acres of upland and 35.17 acres of wetland in substantial compliance with the Master Concept Plan. A minimum 50-foot upland buffer must be provided adjacent to all wetland preserves. These upland buffers are included in the 14.28 acres of upland preservation areas.~~

Prior to local development order approval, the development order must delineate a minimum of 50.39 acres of conservation area. The conservation area will include 49.35 acres of preserve within the existing recorded conservation easement along with 1.04 acres of additional upland conservation areas labeled as UP Tracts 1-6 in substantial compliance with the Master Concept Plan.

A minimum 50-foot upland conservation area must be provided adjacent to all wetland preserves, except in the areas adjacent to Sandy Flats Way which fronts Lots 9-15 and adjacent to the entrance from Burnt Store Road on Burnt Store Acres Lane as shown on the Master Concept Plan. The upland conservation areas are included in the 50.39 acres of conservation area proposed for this development.

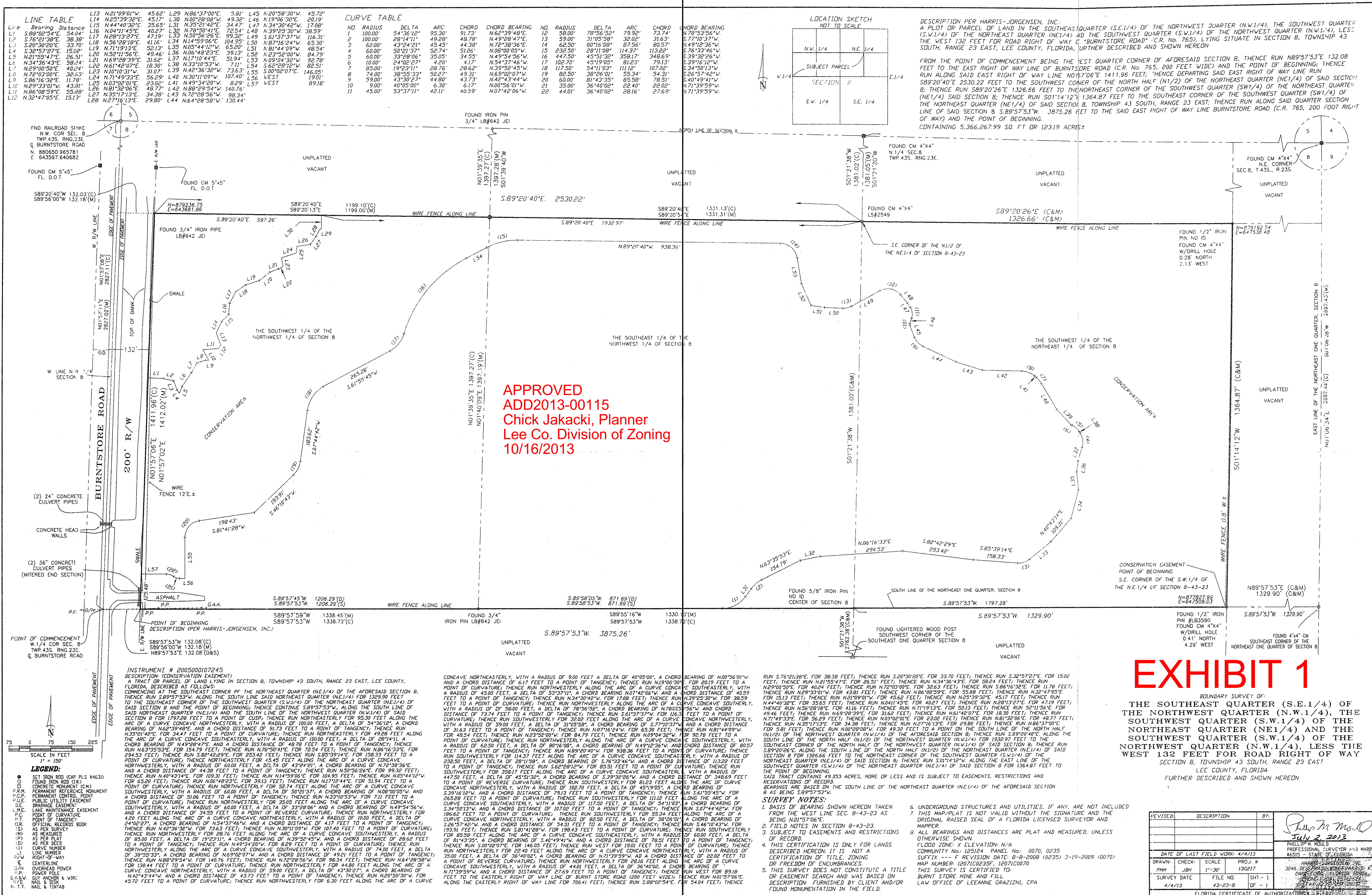
5. If it is determined that inaccurate or misleading information was provided to the County or if this decision does not comply with the LDC when rendered, then, at any time, the Director may issue a modified decision that complies with the Code or revoke the decision. If the approval is revoked, the applicant may acquire the necessary approvals by filing an application for public hearing in accordance with Chapter 34.

DULY PASSED AND ADOPTED ON 10/24/2013

BY: 
Electronically Signed by
Pam Houck, Director
Division of Zoning
Department of Community Development

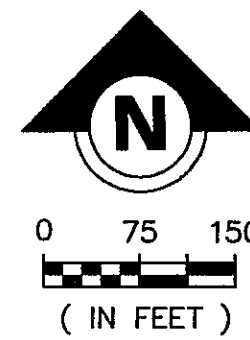
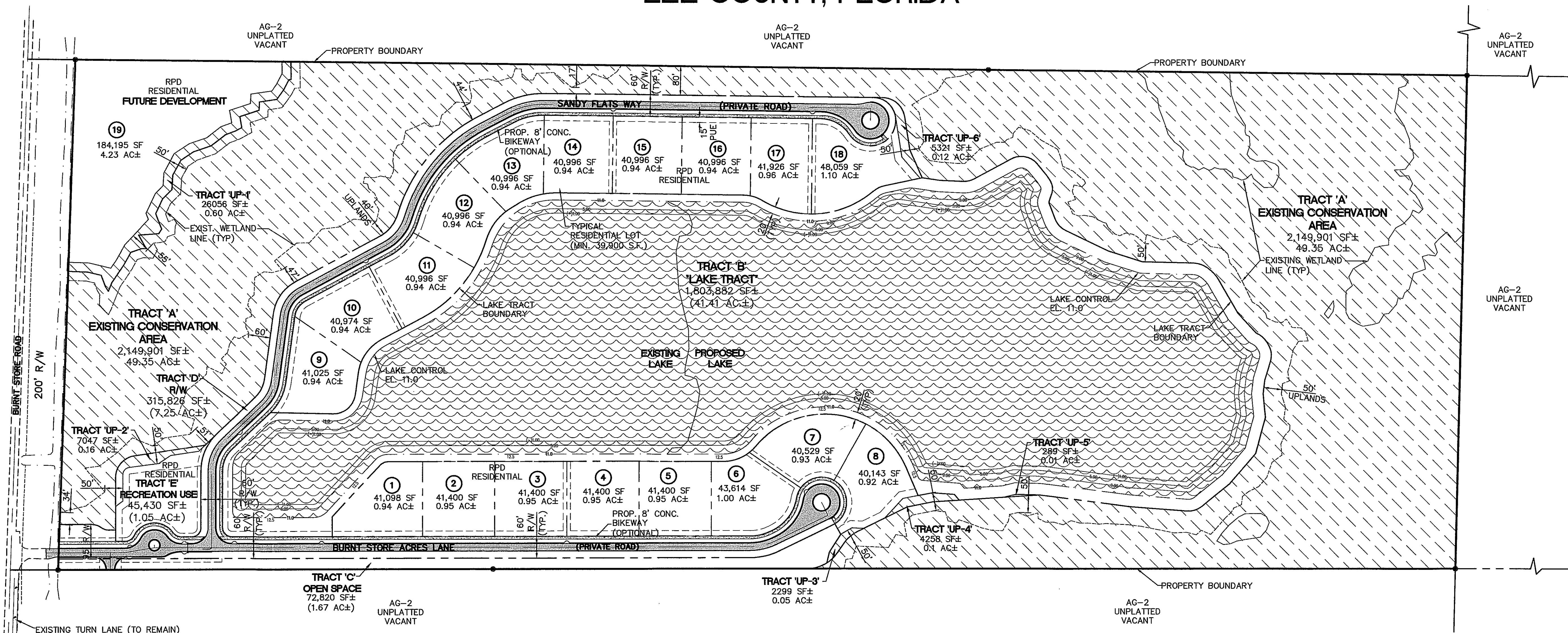
Exhibits:

1. Boundary Survey and Legal Description
2. Master Concept Plan



ATTENTION IS DIRECTED TO THE FACT THAT THESE PLANS MAY HAVE BEEN REDUCED IN SIZE BY REPRODUCTION. THIS MUST BE CONSIDERED WHEN OBTAINING SCALED DATA.

MASTER CONCEPT PLAN BURNT STORE ACRES LEE COUNTY, FLORIDA



LOT DEVELOPMENT PARAMETERS:

MIN. FRONT SETBACK:	50 FEET
MIN. SIDE SETBACK:	25 FEET
MIN. REAR SETBACK:	25 FEET
MIN. SETBACK FROM BODY OF WATER:	25 FEET
MAX. BLDG. HEIGHT:	3 STORY - 35 FEET

LEGEND

UPLAND CONSERVATION AREA: 50.39 AC.±

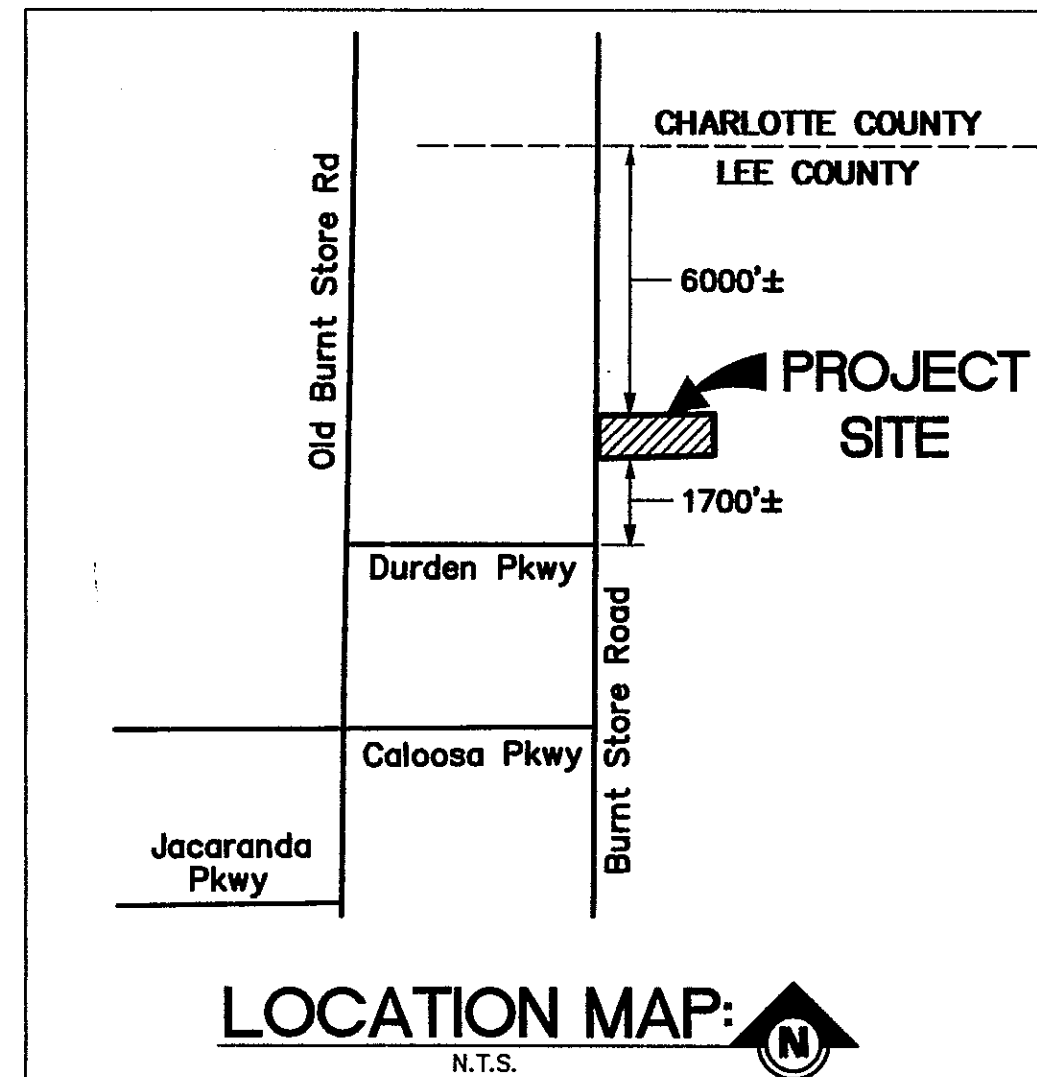
TRACT USE:

TRACT 'A':	EXISTING CONSERVATION AREA (INCLUDES WETLANDS AND UPLANDS)	49.35 AC.±
TRACT 'UP 1-6':	ADDITIONAL UPLAND CONSERVATION AREAS	1.04 AC.±
TRACT 'B':	LAKE TRACT	41.41 AC.±
TRACT 'C':	OPEN SPACE	1.67 AC.±
TRACT 'D':	RIGHT-OF-WAY	7.25 AC.±
TRACT 'E':	RECREATION USE	1.05 AC.±
	LOTS (#1 THROUGH 8)	7.59 AC.±
	LOTS (#9 THROUGH 18)	9.60 AC.±
	LOT 19	4.23 AC.±
TOTAL SITE:		123.19 AC.±

DENSITY:

TOTAL UNITS = 19 (PER ZONING RESOLUTION Z04009)

**APPROVED
EXHIBIT 2**



DATE	BY	REVISION DESCRIPTION
08/19/13	AM	ANNUAL AMENDMENT SUBMITTAL
08/19/13	AM	LEE COUNTY COMMENTS

AVOLON ENGINEERING, INC.
2503 DEL PRADO BLVD. #200
CAPE CORAL, FLORIDA 33904
PHONE: (239) 348-7741
FAX: (239) 348-7746

DEVELOPER:
Burnt Store Mine & Fill LLC
1024 Santa Barbara Blvd.
Suite #1
CAPE CORAL, FLORIDA 33904
PHONE: (239) 348-7741
FAX: (239) 348-7746

**BURNT STORE ACRES
RESIDENTIAL SUBDIVISION**
SB / T4SS / R23E
LEE COUNTY, FLORIDA

**M.C.P.
EXHIBIT 9.0**

#13-104

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