

**STAFF REPORT
FROM
DEPARTMENT OF COMMUNITY DEVELOPMENT
DIVISION OF ENVIRONMENTAL SCIENCES**

Date: October 21, 2013

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Project: Burnt Store Acres RPD
Case: ADD2013-00115
STRAP: 08-43-23-00-00003.0000 & Others

The Division of Environmental Sciences (ES) staff has reviewed the proposed Burnt Store Acres Residential Planned Development (RPD) administrative amendment request and offer the following analysis and recommendation.

PROJECT HISTORY/PROPOSAL:

This site is currently zoned as a RPD per Z-07-013. This application is a request to modify the existing RPD master concept plan (MCP) and conditions to correct an error in the written conditions and to revise the MCP to address changes to the land development code. Modifications to the MCP are required to reflect the County's current development regulations which do not permit the 20' lake maintenance area to be within an easement on the single family lots. In addition, condition #5 of Z-07-013 required the width of the upland buffer adjacent to the preserves to be a minimum 50' wide; however, this was not represented on the approved master concept plan as part of Z-07-013. The applicant is requesting this condition be revised to address these inconsistencies. This is in conjunction with a request for a development order to construct the residential community. No changes are proposed to the number of lots and no reductions in overall preserve size are being requested.

Indigenous Preserves:

Condition #5 of Z-07-013 required the width of the upland buffer adjacent to the preserves to be a minimum 50' wide; however, this was not represented on the approved master concept plan as part of Z-07-013. The applicant is requesting this condition be revised to address these inconsistencies. The applicant has added additional upland tracts where possible to provide the 50' wide area adjacent to the preserves. However, opposite lots 9-15 and adjacent to the entrance from Burnt Store Road the applicant is unable to provide this width and instead is showing widths ranging from as little as 17' and as great as 94' wide. The proposed additional upland areas increase the provided preserve area by 1.04 acres overall verse what was originally approved per Z-07-013. In addition, the narrower areas as described above are consistent with what was shown on the approved MCP per Z-07-013.

The following Lee County Comprehensive Plan (Lee Plan) Goals, Objectives and Policies support ES staff analysis and recommended conditions:

Policy 6.1.6: The land development regulations will require the commercial development to provide adequate and appropriate landscaping, open space, and buffering. Such development is encouraged to be

architecturally designed so as to enhance the appearance of structures and parking areas and blend with the character of existing or planned surrounding land uses.

ES staff recommends approval of the requested administrative change with an amendment to condition #5 of Z-07-013

~~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 (15.22 acres of uplands and 35.17 acres of wetlands). 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.