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BURNT STORE ACRES

ADD2013-00115 - Response to Staff Comments Dated September 12, 2013
Tom Giles, P.E. (239-573-2077)
September 19, 2013

Zoning (Chip Block)

Please discuss with the Interim Development Services Director, Ben Dickson, whether the change in Right-of-Way width from 60 feet to 40 feet on the Master Concept Plan will necessitate the need for a deviation from Chapter 10 of the Land Development Code. If this is needed, then please add the request with a typical detail drawing depicting the reduced width and provide written justification to support the request.

The width of the private roads will remain at 60 feet, as shown on the Master Concept Plan. There is no change to the road width established within Resolution Z-07-013, as such no deviation is being requested. See Revised Letter of Intent.

Also please discuss the request for Excess Spoil Removal with Mr. Dickson. I am not sure that this Administrative Amendment process is the correct process for the Development Services Director to grant the excess spoil removal. That may take a different application filed with Development Services, or maybe done as part of the local development order process.

The applicant spoke with Mr. Dickson. The request to extend the time frame for removing the excess spoil can be considered as part of the amendment process.

ES staff (Aaron Martin)

- 1) Please revise the MCP to remove the word conservation easement for Tract A and simply calls this conservation area. This would be the same in the tract use table and legend.

See Revised Master Concept Plan.

- 2) Remove the labels for the additional upland buffer areas and simply crosshatch these areas to be part of the conservation area.

We have added the additional upland areas into the crosshatched areas per your request and provided a total of the conservation area. We feel that we still need to specify these additional upland conservation areas as tracts, as shown, because these areas were not included within the existing recorded conservation area and need to be placed in conservation within the Burnt Store Acres Subdivision Plat.

- 3) Revise the tract use table to add the additional upland areas to the conservation areas resulting in a total of 50.39 acres of conservation area.

The Master Concept Plan has been revised to reflect a total of 50.39 of conservation area. See Revised Master Concept Plan.

- 4) ES staff will suggest the following language for condition 5: Prior to local development order approval, the development order must delineate a minimum 15.22 acres of upland and 35.17 acres of wetlands (please confirm that these numbers are correct) in substantial compliance with the master concept plan. A minimum 50-foot upland buffer must be provided adjacent to all wetland preserves, except adjacent to lots 9-15 as shown on the master concept plan. These upland buffers are included in the 15.22 acres of upland preservation areas.

The applicant requests the language in Section B, Condition # 5 be amended as follows:

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, in the areas shown on the Master Concept Plan, which are adjacent to all wetland preserves, except in the areas adjacent to Sandy Flats Way (a private ROW) which fronts Lots 9-15 and adjacent to the entrance from Burnt Store Road on Burnt Store Acres Lane (a private ROW). The upland conservation areas are included in the 50.39 acres of conservation area proposed for this development.