ADD2014-00076 Lee County ePlan

STAFF REPORT
FROM
DEPARTMENT OF COMMUNITY DEVELOPMENT
DIVISION OF ENVIRONMENTAL SCIENCES

Attachment "E"

Date: **July 31, 2014**

To: **Tony Palermo, Senior Planner**

From: **Beth Workman, Environmental Planner**
Phone: (239) 533-8793
E-mail: EWorkman@leegov.com

Project: **Cypress Walk (fka Cobblestone)**
Case: **ADD2014-00076**
STRAP: **08-45-25-00-00003.2000; -00004.0030; -00004.001A; & -00004.0040**

The Division of Environmental Sciences (ES) staff has reviewed the proposed Administrative Deviation (ADD) for relief from Land Development Code (LDC) 10-329 (d) (4) to allow 4:1 lake bank slopes with enhanced slope protection measures instead of 6:1 lake bank slopes (deviation #2). The applicant is also requesting modifications to the development regulations for single-family detached dwelling types, revisions to the residential layout shown on the approved Master Concept Plan, and modifications to the conditions outlined in Z-05-057.

The subject property is located at 11780 Ben C Pratt Six Mile Cypress Parkway at the west side of the road and north of Penzance Boulevard. The project (formerly known as Cobblestone) consists of a 49.62 acre residential project and was rezoned (DCI2005-00001) from a Commercial Planned Development (CPD) to a Residential Planned Development (RPD) to allow 216 dwelling units. The development order was approved in 2006 (DOS2005-00341), granted a series of extensions from 2010 to 2013, and received a House Bill Extension in 2013 that granted a project expiration date of March 26, 2018.

OPEN SPACE

The DCI2005-00001 was approved for varying minimum lot area of 6,500 square feet and a 50% maximum lot coverage. The current ADD application is requesting a minimum lot area of 4,500 square feet and 55% maximum lot coverage. The applicant is meeting the 40% open space requirement through 11.93 acre general open space, 4.96 acre of lakes (19.85 X 25%), 3.61 acre conservation easement, 1.98 acre and 7.77 acre indigenous preserve for a total of 30.25 acres of open space. LDC 10-415 (a) requires half of the open space required to be indigenous open space

(9.92 acres). The applicant is providing 9.76 acres of indigenous open space. In order to meet the indigenous open space requirements, the applicant is utilizing upland indigenous preserve credits LDC 10-415 (b) (3). In this section of the code, an incentive to preserve indigenous native upland plant communities or indigenous native trees in large tracts has been allowed for projects with large areas of native upland indigenous areas. Based on the area of the upland indigenous, applicants may receive a certain percentage of credit. The two preserves are both over an acre in size and have a 75 foot width so each preserve receives a 125% indigenous preserve credit (1.98 X 125% = 2.48 acres) (7.77 acres X 125% = 9.71). By utilizing the open space credits in LDC 10-415 (b) (3), the indigenous open space is met with 12.19 acres. ES staff supports the changes to conditions 11, 12, and 14. However, provides an additional condition pertaining to the indigenous management plan to ensure long term protection and must be provided as part of the development order approval. Lee County Environmental Sciences began requiring indigenous management plans in August of 2005. The following condition must be added to the revised zoning resolution:

As part of a local development order approval, an indigenous management plan is required to be submitted for review and approval.

ZONING RESOLUTION MODIFICATIONS

The applicant is proposing to amend four of the original conditions approved with DCI2005-00001 (Z-05-057) that pertain to ES staff. The first change is to conditions 11, 12, and 14 to correct the preserve acreages. The applicant is not proposing any changes to the preserve configuration or location but rather to amend the line work to reflect the correct acreage. This change will affect conditions 11, 12, and 14 as those conditions cited specific acreages within the condition. ES staff supports these changes as outlined in applicants resubmittal dated July 7, 2014.

The second change is to condition 16 to revise the location of the enhanced littorals to comply with the proposed lake configuration. The original condition required the two lakes that abutted the restoration areas to be planted with double the required littoral plantings. The condition provided a planting list for the littoral shelf. The applicant has changed the location of the smaller lake by eliminating the 1.07 acre lake located at the northeastern corner of the project and instead showing a 0.83 acre lake at the southwestern corner of the project. The large lake located in the center of the project was originally 2.47 acres and the amended master concept plan now shows a 3.33 acre central lake. The planting list for the littoral shelf will not change. The new 0.83 acre lake is no longer located adjacent to a restoration area so the applicant would like to provide the 2800 littorals in the original condition only in the 3.33 acre central lake. ES staff supports the changes made to condition 16 to reflect the current development but provides the following additions to condition 16:

Prior to development order approval, the lakes must be designed to abut indigenous and wetland restoration areas in significant compliance with the MCP. The planted littoral shelf requirement will be provided on the lake shorelines on the preserve sides of the 0.83+/-acre lake and the 3.33+/-acre lake, which must be planted with double the required amount of littoral

plantings. The plantings must be installed on a 10:1 lake bank slope and clustered to provided enhanced foraging areas for wading birds. Table 1 below entitled "Planting List for Littoral Shelf", provides a list of wetland plants native to the Six Mile Cypress Watershed Basin that must be used for the littoral plantings and the plantings specifications. A minimum of four of the six species listed in Table 1 will be planted in the littoral zones with a minimum of 2800 plants installed. The developer must create two draw down pools in the wetland preserve area adjacent to the 3.33+/-acre lake. The area will be graded to create different elevation for enhanced foraging areas. A plan view and cross sectional view of the draw down pools is attached hereto as Exhibit C. Specific dimensions and elevations for the draw down pools will be determined during permitting with the South Florida Water Management District. Table 2 below, entitled "Planting List for Draw Down Pools", provides a list of wetland plants native to the Six Mile Cypress Basin that must be used for the draw down pools and the planting specifications. A minimum total of 1,600 plants must be installed in the two draw down pools.

NEW DEVIATION:

The lakes being proposed are deep lakes (12 feet or greater), illustrate a 4:1 slope, deep lake trees, and one littoral plant per one linear foot of the lake shoreline. These illustrations were in compliance with the LDC 10-329 (d) (4) and 10-418(2) at the time of the 2006 development order submittal. In June of 2014, the applicant submitted an amendment to revise the location of one of the lakes and change the site configuration. The current ADD application is required because the site plan has changed and the property regulations are being revised in the DCI2005-00001. The applicant must request new deviations from the LDC if the site plan cannot meet the LDC requirements. Therefore, the applicant has requested a deviation from LDC 10-329 (d) (4) to allow a 4:1 lake bank slope with enhanced herbaceous plantings and turf reinforcement mats instead of the code required 6:1 lake bank slope. The applicant provided calculations for the enhanced herbaceous plantings via e-mail on July 17, 2014. ES staff refers to Development Services for compliance with lake bank slope comments per LDC 10-329(d) (4). If Development Services staff recommends approval to allow 4:1 lank bank slopes instead of 6:1, then ES staff offers the following condition:

Approve subject to the following conditions that are in addition to the littorals required by Condition 16 and the littoral requirements in LDC 10-418 (2):

As part of a local development order approval for the 4:1 lake bank slope, an additional 4600 herbaceous plants in two inch liners must be provided to supplement the turf reinforcement mat per the following specifications:

1.88 acre Lake (12' wide PLS x 1,384 LF = 16,608 SF (3' o.c.)) = 1,845 herbaceous plants

3.33 acre Lake (12' wide PLS x 776 LF = 9,312 SF) & (8' wide PLS x 922 LF = 7,376 SF) = 16,688 SF (3' o.c.) = 1,854 herbaceous plants

0.83 acre Lake (12' wide x 676 LF = 8,112 SF (3' o.c.) = 901 herbaceous plants

ADD2014-00076 Lee County ePlan

CONSERVATION EASEMENT

The project has a wetland conservation easement dedicated to South Florida Water Management District. The current MCP of Z-05-057 and the proposed MCP both indicate improvements, stormwater lake and single family lots in the area previously recorded as a conservation easement. This conservation easement was to be partially released with the prior approvals of the District permits but the project ownership changed during the permitting process. As part of the SFWMD permit review, the applicant was to release the portions of the conservation easement within the proposed development area and to revise the preserve size and shape that are currently indicated on the MCP's. Therefore, ES staff recommends the official partial release be submitted to staff prior to approval of a development order which includes improvements within these areas. ES staff provides the following condition:

As part of local development order approval, the official partial release of the recorded conservation easement preserves identified in OR 2781 PGS 2496 and 2556 must be submitted to ES staff for the preserve area along Six Mile Cypress Parkway.