ADD2014-00127 Lee County ePlan

8/4/2014

Response to Staff Comments for Hidden Harbor RPD ADD2014-00127 (RWA project No. 040115.06.02)

The following are responses to the comments received from Chip Block dated 2/21/14 and Beth Workman 7/24/14:

COMMENTS RECEIVED FROM CHIP BLOCK

1. For revision 5 in your narrative, please remove the Schedule of Uses from the proposed Master Concept Plan (MCP) and instead provide the Schedule on a separate sheet of paper.

   As discussed in our meeting held 7/24/14 we are providing word documents with strike through and underline and a clean version of the revised conditions from Z99-042. The Schedule of Uses will be removed from the MCP and included in the conditions.

2. Please note as part of the use of Boat Ramp the use is limited to Condition 4 of Zoning Resolution Z-99-042.

   We are removing the boat ramp as a use. The kayak launch will have parking incorporated in the Clubhouse Area. The kayak Launch will comply with LDC Section 26-73.

3. The request to add docks (Narrative #2 and #5). Are these for the single family homes, clubhouse area, or both? If for the clubhouse center or both, please note on the Master Concept Plan the location and number of docks proposed.

   We are not "adding" docks. Narrative #2 and #5 are for both the single family homes and the Clubhouse Area. As discussed at the 7/24/14 meeting the location of each single family dock will be determined at time of permitting through Lee County and will comply with the LDC. The approximate location of the dock at the Clubhouse Area is noted on the MCP. Additionally there are two typical lot exhibits on the MCP that show the typical location of the docks associated with the single family lots.

   The Master Concept Plan will need to be revised to show the general location of the parking for the boat ramp. Please note there is a requirement for 10 parking spaces and these must be in accordance with Note 5 of LDC Section 34-2020

   Same as #2

4. The request includes allowing docks and walkways to the docks. Please revise the MCP to show the location of the proposed docks and walkways. Please also consider including a typical detail of the walkway and docks for the individual single family homes.

   As discussed at the 7/24/14 meeting showing the location of every dock is not necessary; however the typical lot detail shows a typical walkway and dock for the individual single family homes.

5. Please revise the proposed change to the Property Development Regulations from measuring the setback from the back of curb to the setback from the street right-of-way or easement. This will be more easily administered and consistent with the way the Land Development Code is worded today for the street setbacks.

   The property development regulations and typical lot details have been revised to request a 14′ front yard setback from ROW for homes with side loaded garages and 20′ setbacks for homes with front loaded garages.

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In addition, please revise the typical lot detail to show this change. As you revise the typical lot detail, please also show the 10 foot PUE. The MCP shows this to be outside of the right-of-way and this detail is needed on the typical to make sure the proposed setbacks do not result in the home being within the PUE.

The typical lot details have included both the PUE and LCU to clarify that the home will not be built within the PUE nor the LCU.

4. The deviation (Deviation 8) for hardened shorelines does not appear to be supported by a drawing or depiction showing the deviation request, nor where this deviation would be effective within the planned development. Please revise the MCP to show the location(s) where the deviation will be effective and provide a sample detail drawing illustrating how the deviation would enhance the achievement of the objectives of the planned development and will not cause a detriment to public interests.

Deviation 8 has been revised per Beth Workman's request. The deviation is from LDC Section 26-75(d) instead of LDC Section 10-418(3). Since this applies all along the shoreline we have labelled Deviation 8 on the MCP. A copy of the original Development Order # DOS990910400D depicting the cross section of the riprap that was approved and constructed and a more legible version submitted with the DO amendment approved in 2008 have been provided for your information. Also, see deviation justification.

COMMENTS RECEIVED FROM BETH WORKMAN

1. Provide a copy of the ACOE permit.
2. Provide a copy of the SFWMD permit.
3. Provide a copy of the Conservation Easement for the lake.

Per 1-3 above - Copies of the existing ACOE, SFWMD, and Draft Conservation Easement are provided under separate cover. Based on our discussion at the 7/24/14 meeting these are not required for the approval of the ADD.

4. Label the 10 mile Canal easement on the MCP.

As recommended by Beth Workman we contacted the GIS department who referred us to LDOT to obtain the easement description Environmental Staff suggested applied to Hidden Harbor. Howard Coachman, Lee County DOT provided two deeds that confirm that there are no easements or encumbrances on Hidden Harbor property along the Ten Mile Canal. The Quite-Claim Deed ORBK. 1662 PG 4512-4513 depicts the 50' deeded to Lee County adjacent to the western boundary of the Hidden Harbor property. The Warranty Deed ORBK 1179 PG 197- 198 for the property north of Hidden Harbor –American Outdoor Campground deeded to Lee County for the right of way for reconstruction of the Ten Mile Canal. Based on this information there are no easements to include on the MCP.

5. Provide the number of wet and dry slips, kayak/boat launch in the schedule of uses.

There will be 53 docks (wet slips) and one kayak launch.

6. The 5 foot setback from mean high water line for nonroofed structures which would include a boardwalk?

This applies to the Clubhouse Area as noted in the property development regulations.

7. Are the lot dimensions changing from the previously approved minimum lot area?

The lot dimensions and the lot area remain the same.

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8. What is the maximum lot coverage?

   The maximum lot coverage will remain at 50%.

9. Provide documentation from FDEP that this does not trigger a DRI.

   As discussed on our meeting the boat ramp is being deleted from the list of uses.

10. Provide the revised Manatee Protection Plan due to the new configuration of the amenity center.

    Justin McBride, Lee County Division of Natural Resources – Marine Program confirmed that the 2005 Manatee Protection Plan and his Letter dated August 2, 2006 still apply and that there is no need to revise the plan based on locating a dock at the Club House Area. Please see attached email.

11. Condition 5 must be rewritten.

    Please see revised conditions.

12. Condition 7 must be updated to include a kayak launch in the condition.

    Condition 7 has been deleted since the boat ramp use has been deleted. As noted in the list of uses the kayak launch will be in compliance with LDC Section 26-73.

13. Change the deviation from LDC 10-418 to LDC Chapter 26. The lake is not natural and is not a surface water management system so LDC 10-418 is not necessary. Need to show compliance with Chapter 26 for 100% hardening, rip rap specs and placement, and the retaining wall proposed for the amenity center.

    Deviation (8) has been revised to seek relief from LDC Section 26-75 (d). The riprap was installed in accordance with the cross section approved on Development Order # DOS990910400D. See attached DO and DO amendment. A field survey of the rip rap was conducted on 7/30/14. The rip rap does not have filter fabric or equivalent material as a result the specific request is to allow the existing riprap and plantings without the filter fabric to fulfill the requirements of LDC Section 26-75.

14. Dock issue – show lots, docks, and conservation easement limits.

    As discussed at the meeting the typical lot details shown on the MCP will address this request.

15. Dock issue – show lots and maintenance easement on 10 Mile Canal.

    As discussed there are no docks proposed in the 10 Mile Canal nor is there a maintenance easement associated with the docks adjacent to the 10 Mile Canal. All docks are within the privately owned waters. See attached copy of the approved SFWMD permit #36-03962-P, page 34 of the PDF document, Exhibit 2.0 of the approved dock plan set depicting the typical locations of the single family docks within the boundary of the subject property. In addition, ACOE permit #SAJ-1999-4512 page 13 of 16 depicts the site plan for the docks approved by this permit.

16. Boat ramp/kayak launch must be part of the ERP.

    As noted above the boat ramp use has been deleted. The kayak launch will be permitted as required.

17. Is there a boat ramp currently? If so, will this be closed off?

    No.

18. Must be able to navigate the waters around the proposed boat ramp/kayak launch per Chapter 26.

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So noted. The kayak launch will comply with all applicable regulations.

19. Show deviations on MCP.

Deviations have been labeled on the MCP and the actual request has been moved off of the MCP and into the new conditions as requested by Staff.

20. Provide a permit modification.

A permit modification for the SFWMD and ACOE will be provided once available. However, the current SFWMD permit is valid and will allow development to occur as approved.