

Attachment "D"

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

Date: July 10, 2015

To: Tony Palermo, Senior Planner
From: Aaron Martin, Environmental Planner
Phone: (239) 533-8522
E-mail: amartin@leegov.com

Project: Tract M-M Miromar Lakes
Case: ADD2015-00079
STRAP: 14-46-25-00-00001.002B

The Division of Environmental Sciences (ES) staff has reviewed the proposed Tract M-M Miromar Lakes administrative amendment and final plan approval request and offer the following analysis and recommendation.

PARCEL HISTORY:

Miromar Lakes is an 1,800± acre parcel, zoned MPD (mixed use planned development), and is in a DRI (development of regional impact) located east of I-75, south of Alico Road and north of Corkscrew Road. The proposed Tract M-M development, a 5.04 acre portion of the Miromar Lakes development, is located on the west side of Ben Hill Griffin Pkwy north of the existing club house.

FINAL PLAN APPROVAL:

Zoning Resolution Z-13-020 Section B. Conditions: 1.c. indicates that “the developer must obtain Final Plan Approval (FPA) when parcel development includes vertical (structural) development or when additional deviations are requested. If a FPA is required, then the developer must file an application prior to, or simultaneous with, a local development order that proposes vertical development. The purpose of this process is to ensure that vertical development is generally in compliance with the approved zoning resolution, MCP and DRI Development Order, while at the same time allowing flexibility in response to changing development practices”.

In the case of Tract M-M, the developer is requesting construction of 12 residential single family lots. Therefore, a final plan has been provided for the 5.04 acre area and three new deviations have been requested to seek relief from current Land Development Code (LDC) requirements. The deviations are requesting relief from LDC Section 10-329(d)(4) lake bank slope requirements to go from 6:1 to 2:1 with rip rap; LDC Section 10-418 to allow for rip rap adjacent to single family homes; and LDC Section 10-418(3) to allow for 51% hardened shoreline around the adjacent lake.

Zoning Resolution Z-13-020 Section B. Conditions: 1.d. further identifies the requirements to be provided in the FPA application. Per the condition the applicant has provided the following relevant ES requirements: viii. open space, including an ongoing tabulation of required open space; and ix. detailed drawing showing the location and application of deviations.

OPEN SPACE:

Zoning Resolution Z-13-020 B. Conditions: 15. Requires open space provided per Exhibit H which indicates residential uses must provide 40% common open space unless the lots sizes are 6500 SF and maximum 45% lot coverage. The Tract M-M FPA plan indicates lots to be a minimum 6500 SF with 45% max lot coverage so they are exempt from the open space requirements.

NEW DEVIATIONS:

The first is a request to deviate from LDC 10-329(d)(4) which requires 6:1 lake bank slopes to allow 2:1 slopes with the use of hardened rip rap. Per LDC 10-418(3) hardened shorelines must provide a five foot planted compensatory littoral shelf. Per cross section A-A shown on the FPA plans the applicant is demonstrating the compensatory shelf. ES staff is recommending that additional littoral plantings be provided within the compensatory shelf to provide additional wildlife areas as well as filtration and erosion control. Currently, the LDC requires the shelf to be planted with 50% coverage. ES staff is recommending that the shelf be planted with 100% coverage. At time of local development order approval the applicant will demonstrate compliance with LDC 10-418(3) for the hardened rip rap shoreline with the increased coverage. ES staff defers to development services with regards to approval of the 2:1 slopes and the use of rip rap.

The second is a request to deviate from LDC 10-418 which prohibits the use of rip rap adjacent to single family homes to allow rip rap adjacent to single family homes. The third deviation request is from LDC 10-418(3) which limits the use of rip rap and other hardened shoreline treatments to 20% of an individual lake shoreline to allow up to 51% of the shoreline on the adjacent lake. The lake is an existing mine pit and currently contains rip rap adjacent to the existing clubhouse which exceeds the 20% allowance. The lake serves as a storm water pond for the Miromar development. Permits will include obtaining a development order and a dock and shoreline permit prior to any work. The compensatory and DO littoral planting requirements along with the proposed shoreline stabilization technique will be identified on the proposed DO plans.

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

Goal 61: Protection of Water Resources. To protect the county's water resources through the application of innovative and sound methods of surface water management and by ensuring that the public and private construction, operation, and maintenance of surface water management systems are consistent with the need to protect receiving waters.

Policy 61.3.8. The banks of wet retention and detention areas must be sloped to promote growth of vegetation and safeguard against accidents.

Policy 61.3.13. Installation of erosion control devices for development activities adjacent to waterbodies, water courses, and wetlands will be required. Such control devices must be maintained to ensure operational effectiveness.

ES staff recommends the following condition should the deviations be approved:

Prior to a dock and shoreline (DSH) approval, a Development Order must be submitted and approved demonstrating the required littorals and compensatory littorals. Prior to the final CC approval, the DSH permit must pass its final inspection.

As part of local development order approval, the development plants must demonstrate compensatory littorals in compliance with LDC 10-418(3). The littoral shelf must be planted with 100% coverage instead of the 50% that is currently required by the code.