

**TO:** Mayor Craft & Members of the City Council

**FROM:** Andy Bauer, Zoning Administrator

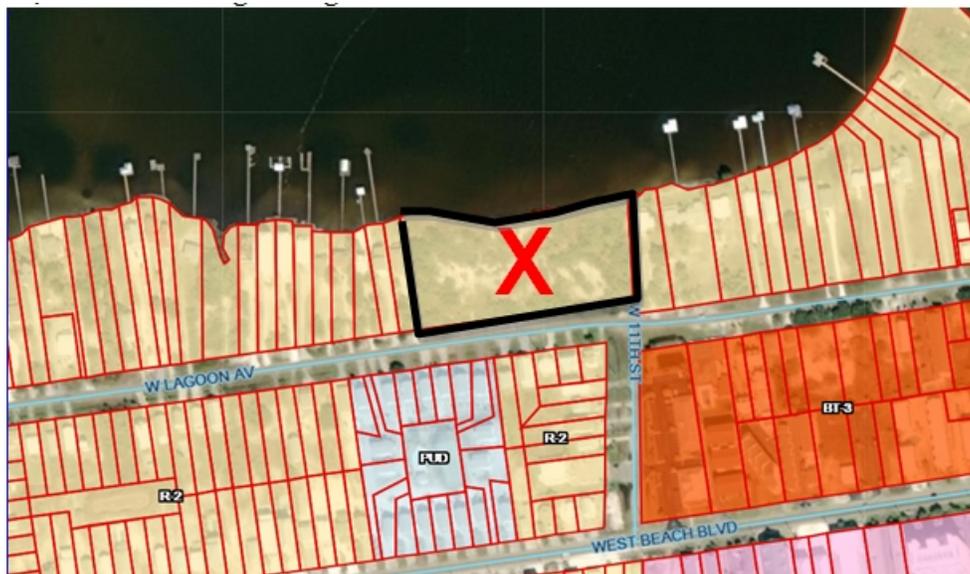
**SUBJECT:** Wetlands Waiver Request – Lagoon Estates Subdivision – UPDATE

**DATE:** April 22, 2019

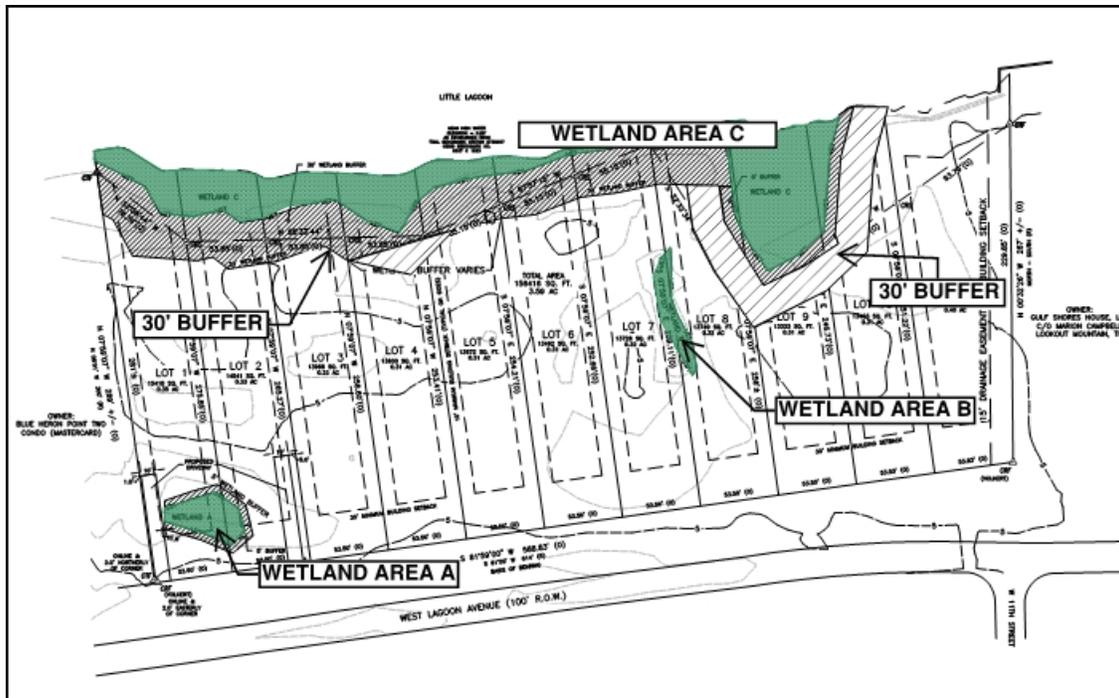
**REQUEST:** Mr. Hunter Smith seeks two (2) waivers from the Wetland Protection Ordinance within the Code of Ordinances;

1. A waiver to plat wetlands on new single family lots, and
2. The applicant request to fill wetland areas A & B.

The Wetland Protection Ordinance prohibits the platting of wetlands on new single family lots, and requires a minimum 30-foot wetland buffer. Article 3 of the Ordinance authorizes the City Council to hear appeals and grant or deny waivers to the requirements of the Ordinance. The subject property is located on the north side of West Lagoon Avenue near the intersection of West 11<sup>th</sup> Street.



As part of the appeal process, the applicant must complete a “wetland disturbance plan” prepared by a wetland specialist. The disturbance plan identifies three wetlands; Wetland Area A, Wetland Area B, and Wetland Area C. According to the disturbance plan, wetland areas A & B are small, interior, low-quality wetlands with minimal value. Wetland Area C, on the other hand, is located along the shore of Little Lagoon, and is integral to water quality, shoreline stabilization, and is of ecological significance.



**UPDATE:** The main discussion at the Committee of the Whole meeting was regarding the requirement of not allowing the wetlands to be platted on individual lots and requiring the wetlands to be placed in a common area.

Since the Committee of the Whole, staff has worked with the applicant to reach a compromise that will allow the applicant to subdivide the property in a similar manner as the existing development pattern in this area, and will provide full protection of the wetlands located along the Little Lagoon.

Unlike the small, isolated wetlands within the interior of the property, the wetlands along Little Lagoon are part of a larger system of deep-water wetland habitat. The applicant has agreed to buffer the entire area along the Little Lagoon with a 30-foot buffer, protect the wetlands with a recorded conservation easement that will be referenced on the subdivision plat and on the deed of each lot, and provide signage on each lot notifying the future property owners of the protected nature of the wetlands.

**RECOMMENDATION:** Staff recommends the City Council approve the wetland waivers with the following conditions.

1. Recommendations of the Wetland Areas A & B:
  - Allow these wetland areas to be filled due to their small size, isolated nature, and low quality.
2. Wetland Area C:
  - Allow for the platting of wetland Area C; and
  - Require a minimum 30' wetland buffer around the entirety of Wetland Area C.
  - Require Wetland Area C to be placed within a recorded conservation easement.
3. Illustrate and reference Conservation Easement Areas on the subdivision plat and on the deed of each individual lot.

4. Provide signage on each lot notifying the future property owners of the protected nature of the wetlands.
5. The subdivision plat shall reference Section 7-581 Monitoring and Enforcement requirements of the Wetland Protection Regulations.