

B.O.C.C. 9/4/2014

PDR-14-04(Z)(P) – CONE & GRAHAM, INC / WILLOW WALK
(DTS #20140038)

An Ordinance of the Board of County Commissioners of Manatee County, Florida, regarding land development, amending the official zoning atlas (Ordinance 90-01, the Manatee County Land Development Code), relating to zoning within the unincorporated area; providing for a rezone of approximately 272.36 acres on the southeast corner of Experimental Farm Road (49th Street East) and Ellenton Gillette Road, West of I-75 and north of Mendoza Road at 4110 41st Street East, Palmetto from A-1 (Suburban Agriculture) to the PDR (Planned Development Residential) zoning district; approving a Preliminary Site Plan for 718 single-family detached units; subject to stipulations as conditions of approval; setting forth findings; providing a legal description; providing for severability, and providing an effective date.

P.C.: 08/14/2014

B.O.C.C.: 09/04/2014

RECOMMENDED MOTION:

Based upon the staff report, evidence presented, comments made at the Public Hearing, the action of the Planning Commission, and finding the request to be **CONSISTENT** with the Manatee County Comprehensive Plan and the Manatee County Land Development Code, as conditioned herein, I move to **ADOPT** Manatee County Zoning Ordinance No. PDR-14-04(Z)(P); **APPROVE** the Preliminary Site Plan with Stipulations A.1–A.8, B.1–B.2, C.1–C.4, and D.1–D.8; **GRANT** Special Approval for a project exceeding a gross density of 2 dwelling units per acre and a net density of 3 dwelling units per acre in the RES-3 Future Land Use Category; **ADOPT** the Findings for Specific Approval; and **GRANT** Specific Approval of alternatives to Land Development Code Sections 714.8.7 (replacement trees) and 715.3.4 (one canopy tree every 50-linear feet), as recommended by the Planning Commission.

(COMMISSIONER BUSTLE)

PLANNING COMMISSION ACTION:

On August 14, 2014, by a vote of 7 – 0, the Planning Commission recommended approval.

PUBLIC COMMENT AND CORRESPONDENCE:

The following people spoke at the August 14, 2014 Planning Commission public hearing:

Mary Hauser, spoke stating she lives on 40th Avenue which is a small dirt road, the lot sizes are incompatible with the surrounding neighborhood; she would like a fence along properties on 40th Avenue and would like the big Oak trees to be saved on the property.

Tracy Suddaby, spoke stating incompatible that all homes in the area are on large parcels of land.

William Hauser, spoke stating the area should remain as agricultural land.

Staff explained the density and the buffers. After the Planning Commission public hearing staff and the applicant agreed on a Stipulation regarding fencing adjacent to 40th Avenue East (Lots 482-488). See Stipulation A.8.

Nothing was entered into the record at the August 14, 2014 Planning Commission public hearing.

PROJECT SUMMARY	
CASE#	PDR-14-04(Z)(P) (DTS #20140038)
PROJECT NAME	Willow Walk
APPLICANT(S):	Kolter Acquisitions, LLC (contract purchaser)/ Cone & Graham, Inc. (owner)
PROPOSED ZONING:	PDR (Planned Development Residential)
EXISTING ZONING:	A-1 (Suburban Agriculture)
PROPOSED USE(S):	718 Single-Family Detached Units
CASE MANAGER:	Margaret Tusing
STAFF RECOMMENDATION:	Approval with Stipulations

DETAILED DISCUSSION

History

An application was submitted in 2005 for this site. This application was not scheduled for hearing and was deemed abandoned and the file was closed in 2009 due to a lack of activity.

Request

The current request is to rezone from A-1 (Suburban Agriculture) to PDR to allow 718 single family detached residential units. The site is located within the RES-6 (40± acres) and the RES-3 (232± acres) Future Land Use Category (FLUC). The designations allow for the consideration of moderate-density suburban, or a clustered low density urban, residential development. Special Approval is required because the proposed RES-3 gross density of 2.59 dwelling units per acre exceeds the Special Approval threshold of 2.0 gross dwelling units per acre and the proposed RES-3 net density of 3.32 dwelling units per acre exceeds the Special Approval threshold of 3.0 net dwelling units per acre.

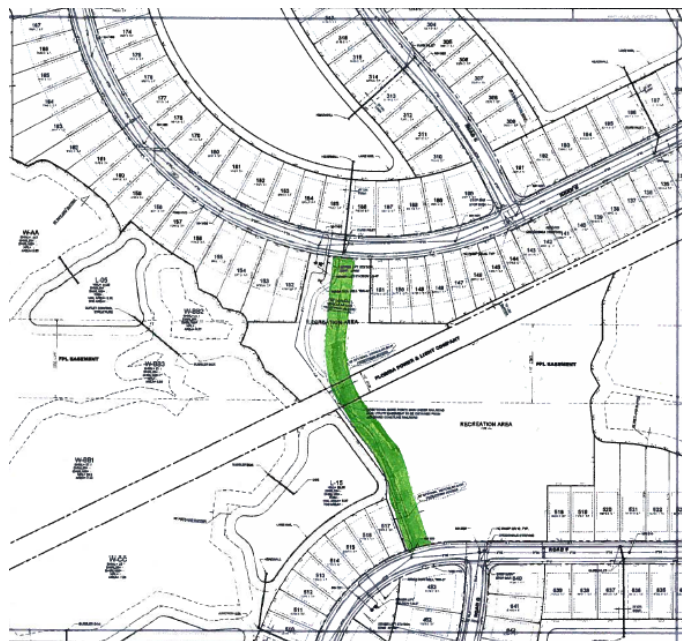
Planned Development is the process necessary to achieve Special Approval. PDR zoning provides greater flexibility for the project when establishing appropriate buffers and setbacks to help mitigate potential adverse impacts on the surrounding properties.

The project has access from Ellenton-Gillette Road at 46th Street East and an emergency access at the intersection of the Experimental Farm Road extension and project Road A. There are two access points on Mendoza Road.

Recreational amenities are provided for both the northern and southern portions of the project site. The southern portion of the project recreational area may include a resort style pool and bathhouse structure with outdoor deck space as well as a children's playground and grassy areas to provide passive recreational opportunities. The recreational uses for the northern portion of the project are not yet known but an area has been set aside for recreational uses.

As shown on Graphic Exhibit 1, the Applicant is proposing an optional railroad crossing that would connect Phase 1 and Phase 2. If this optional crossing is constructed, it will be a private easement crossing between Florida Power & Light and the property owner.

OPTIONAL PRIVATE EASEMENT CROSSING GRAPHIC EXHIBIT 1



The PSP shows an upland habitat preservation area of 6.86 acres. There are 40.51 wetland acres on the project site and 2.63 acres are proposed for impacts, including right-of-way, lots and stormwater ponds.

Staff recommends Approval with Stipulations.

SITE CHARACTERISTICS AND SURROUNDING AREA		
ADDRESS:	4110 41 st Street East, Palmetto	
GENERAL LOCATION:	Southeast corner of Experimental Farm Road (49 th Street East) and Ellenton Gillette Road, West of I-75 and north of Mendoza Road	
ACREAGE:	272.36 ± acres	
EXISTING USE(S):	Vacant	
FUTURE LAND USE CATEGORY(S):	RES-3 - 232± Acres (Residential, 3 du/ac)	RES-6 - 40± Acres (Residential, 6 du/ac)
DENSITY:	RES-3 2.59 gross – 3.32 net	RES-6 2.89 gross – 3.41 net
SPECIAL APPROVAL(S):	Exceeding a gross density of 2 dwelling units per acre and a net density of 3 dwelling units per acre in the RES-3 FLUC	
OVERLAY DISTRICT(S):	None	
SPECIFIC APPROVAL(S):	<ul style="list-style-type: none"> • LDC Section 714.8.7 – Tree Replacement Sizes • LDC Section 715.3.4 – One Canopy Tree per 50 Linear Feet 	
SURROUNDING USES & ZONING		
NORTH	Across extension of Experimental Farm Road (49 th Ave E), approved Willow Trail Subdivision zoned RSF-3 (75-foot lot frontage; RES-6 FLUC)	
SOUTH	Single-family homes and vacant land zoned A-1 (Suburban Agriculture); Across Mendoza Road, Ellenton Hospice zoned PDR (Planned Development Residential), vacant land and single-family homes zoned A-1.	
EAST	Vacant land zoned A-1	
WEST	Single-family homes and vacant land zoned A-1. Across Ellenton Gillette Road, Sugar Mill Lakes Subdivision zoned PDR and single family homes and vacant land zoned A-1.	

SITE DESIGN DETAILS											
LOT SIZE(S):	40' x 120' (4,800 sq. ft.)- 245 lots 50' x 120' (6,000 sq. ft.) - 473 lots										
SETBACKS:	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 70%;">Front</td> <td style="width: 30%;">25' (20' non-garage corner lot)</td> </tr> <tr> <td>Side</td> <td>5'</td> </tr> <tr> <td>Rear</td> <td>15'</td> </tr> <tr> <td>Waterfront</td> <td>30'</td> </tr> <tr> <td>Wetland Buffer</td> <td>15'</td> </tr> </table>	Front	25' (20' non-garage corner lot)	Side	5'	Rear	15'	Waterfront	30'	Wetland Buffer	15'
Front	25' (20' non-garage corner lot)										
Side	5'										
Rear	15'										
Waterfront	30'										
Wetland Buffer	15'										
OPEN SPACE:	105.21 Acres – 38%										
RECREATIONAL AMENITIES:	Bathhouse structure with non-conditioned outdoor lanai overlooking a resort style pool, a children's multi-level play structure and freestanding play equipment, open function grass lawn for special events and passive play, and off-street parking lot (southern portion).										
RECREATIONAL ACREAGE:	6.08± acres (4.62 acres in Phase I southern portion; 1.46 acres in Phase II northern portion)										
ACCESS:	<ul style="list-style-type: none"> • 1 access on Ellenton Gillette Road @ 46th Street East • 2 access points on Mendoza Road (37th St E) • An emergency only access at the intersection of Experimental Farm Road (east of Ellenton-Gillette) and project Road "A" 										
FLOOD ZONE(S)	D-FIRM Panel 12081C 0167E, effective 3/17/14 places portions of the property in Zone A with no base flood elevation determined.										
AREA OF KNOWN FLOODING	Yes, rainfall										
UTILITY CONNECTIONS	Connection to County water. Currently there is no sanitary sewer available for the site. The developer has proposed a Local Development Agreement (LDA) to address this issue.										

ENVIRONMENTAL INFORMATION					
Overall Wetland Acreage:			40.51± acres		
Proposed Impact Acreage:			2.63± acres		
Wetland I.D.	Acres Impacted	Type	Quality	Reason for Impact	Staff Objection Yes / No
W-R	0.18	Herbaceous	Low (0.26)	County Right of Way	No
W-S	0.58	Herbaceous	Low (0.26)	Lots & SWF	No
W-T	0.20	Herbaceous	Low (0.26)	Lots & SWF	No
W-U	0.11	Herbaceous	Low (0.26)	Lots	No
W-W	0.08	Herbaceous	Low (0.26)	Lots & road	No
W-X	1.02	Herbaceous	Low (0.26)	Lots	No
W-Z	0.46	Herbaceous	Low (0.26)	Lots & road	No
TOTALS	2.63				

Wetlands

According to the wetland tables provided on Sheet 4 of 16 of the Preliminary Site Plan there is a total of 40.51 acres of wetlands on-site. A total of 7 wetlands (all herbaceous) totaling 11.18 acres, are proposed for impacts of 2.63 acres. Impacts include those proposed for the right-of-way along Experimental Farm Road. They all received a UMAM scoring of 0.26 and are low functioning herbaceous wetlands. Mitigation for these impacts is proposed through enhancement of Wetlands R, Q, V, X & FF. Details for this mitigation option will be required to be provided and approved by EPD staff with the Final Site Plan. Also, wetland buffer impacts will be addressed through variable width wetland buffers for some of the partially impacted wetlands. Details will be shown and approved with the Final Site Plan.

Uplands

According to the FLUCCS Habitat Map included with the environmental narrative provided by Eco Consultants dated January 13, 2014, the native upland habitats found on-site consist of 5.38 acres of 438 – Mixed Hardwoods. This habitat is found between the railroad right-of-way

and wetlands HH, DD and EE and is labeled as a “mixed hardwood preserve” or “upland preservation” area. Staff will require that this area be included in the conservation easement to be provided over the surrounding wetlands and their respective 30’ wetland buffers.

The applicant has indicated that the “overriding public benefit” to impacting the wetlands is that the upland preservation area of approximately 6.86 acres of Mixed Hardwood Forest will provide a potential wildlife corridor system that would extend off-site to the southeast, allowing connection to other habitat areas. Also, enhancement of the 5 herbaceous wetlands mentioned above in the Wetlands section will serve as additional “enhanced” preserved habitat.

Endangered Species

According to the environmental narrative there were no “listed” species found utilizing the site for nesting or breeding purposes.

Trees

The Preliminary Site Plan indicates a total of 1,318 trees on-site. Trees to be removed total 894, of which 591 are within single-family lots and are not subject to replacement. There are 303 trees subject to replacement. Tree replacement will be in accordance with Section 714.8.7 of the LDC and will be addressed at Final Site Plan.

Staff is recommending and supports Specific Approval for an alternative to Section 714.8.7 of the LDC to allow for smaller replacement tree sizes of 3”/4”/4” in lieu of the LDC required 3”/5”/7”.

Landscaping/Buffers

The site plan indicates 30’ wide roadway buffers along both Mendoza Road (37th Street East) and Ellenton-Gillette Road (S.R. 683) with 3 canopy trees and 50 shrubs per 100 linear feet and a 4’ high berm with 4’ of flat surface and a 6’ tall wall or fence adjacent to residential lots.

Buffers for the remainder of the perimeter of the project are shown at 20’ wide with 3 canopy trees and 33 shrubs per 100 linear feet and a 3’ high berm with 1’ of flat surface (3:1 maximum slopes). The buffer behind lots, where they abut the railroad right-of-way is proposed at 10’ with 2.5 canopy trees and 33 shrubs per 100 linear feet.

Street trees are shown at the LDC required 1 tree per 50 linear feet. Staff has asked for a “typical lot layout” with the narrowest lot scenario to evaluate space available for street trees, which may affect recommended species of canopy trees. Staff recommends and supports Specific Approval for an alternative to this section (Sec. 715.3.4 - Street Trees) to allow for one street tree per lot per frontage, to avoid conflicts between street trees and infrastructure both on and outside of lot boundaries.

NEARBY DEVELOPMENT

RESIDENTIAL				
PROJECT	LOTS / UNITS	DENSITY	FLUC	YEAR APPROVED
Willow Trail	418	2.23	RES-6	2007
Country Lane (fka Cabin Creek MHP)	82	4.36	RES-6	2008
Cypress Pond Estates	78	4.4	RES-6	2006
Sugar Mill Lakes Ph 2 & 3	215	1.97	RES-3	2001

POSITIVE ASPECTS

- The surrounding area is transitioning from suburban agricultural uses to single-family residential development.
- The design shows 38% open space (105.21 acres); 25% is required.
- Proposed buffers exceed LDC requirements for width and landscape materials.
- Potable water is available by connection.

NEGATIVE ASPECTS

- Future construction of the extension of Experimental Farm Road (49th Avenue East) adjacent to the north and east sides of project boundaries.

MITIGATING MEASURES

- Notice to buyers will include language notifying home buyers of the future construction of a 4-lane roadway adjacent to the project (Experimental Farm Road extension).

STAFF RECOMMENDED STIPULATIONS

A. DESIGN AND LAND USE STIPULATIONS

1. The Notice to Buyers shall be included in the Declaration of Covenants and Restrictions. The following language shall be included in the Notice to Buyers and also in a separate addendum to the sales contract.
 - a) Experimental Farm Road (49th Avenue East) may be constructed or completed to a four (lane) roadway in the future.
2. The roadway buffer adjacent to Ellenton-Gillette Road and Mendoza Road shall be a minimum of 30-feet in width, with 3 canopy trees and 33 shrubs per 100 LF, a 4-foot high berm with 4-foot flat top and 3:1 maximum slope, and a 6-foot high wall/fence adjacent to, Lots 1-4, Lots 429-431, Lots 480-482, Lots 572-577, and Lots 876-877.
3. The roadway buffer adjacent to the extension of Experimental Farm Road (49th Avenue East) shall be a minimum of 20-feet in width, with 3 canopy trees and 33 shrubs per 100 LF, and a 3-foot high berm with 1-foot flat top and 3:1 maximum slope.
4. The roadway buffer adjacent to 40th Avenue East shall be a minimum of 20-feet in width with 2.5 canopy trees and 33 shrubs per 100 LF.
5. The greenbelt buffer adjacent to the southern property line and Lots 163-167 shall be a minimum of 20-feet in width with 2.5 canopy trees and 33 shrubs per 100 LF.
6. The buffer adjacent to the FPL rail right-of-way shall be a minimum of 10-feet in width with 2.5 canopy trees and 33 shrubs per 100 LF.
7. Lots adjacent to the project boundaries shall be a minimum of 50'x120' (6000 SF).
8. In addition to the landscape material detailed in Stipulation A.4 above, approximately 460-feet of opaque fence shall be installed on the rear lot lines adjacent to 40th Avenue East (Lots 482-488).

B. INFRASTRUCTURE STIPULATIONS

1. Currently there is no sanitary sewer service available for the site. The developer shall be responsible for extending sanitary sewer service to the site and connecting to the sanitary sewer system in accordance with the County's utility engineering standards. The developer has proposed a Local Development Agreement (LDA) to provide for the construction of improvements and payment of fees or proportionate fair share contribution to extend sewer to the site.

2. The proposed potable water distribution system shall be designed and constructed to provide for internal and external looping. Where dead-end water mains are unavoidable they shall be constructed with metered automatic blow-off devices sized to provide a flushing velocity of at least 2.5 feet per second and the developer, homeowner's association and/or other appropriate legal entity, as applicable, shall pay for the cost of the potable water blown off to maintain water quality standards.

C. STORMWATER CONDITIONS:

1. 100-year and 25-year floodplain compensation shall be compensated in sole use compensation areas, not dual use facilities (i.e., stormwater attenuation and floodplain compensation). Alternatively, drainage modeling may be provided in order to demonstrate that the proposed surface water management system including any floodplain compensation areas, wetland areas and stormwater management ponds will provide the required storage so that adverse impacts from flooding will not occur for 100-year storm event.
2. A Drainage Easement shall be dedicated to Manatee County and be shown on the Final Site Plan and Final Plat along Government Hammock Drain and associated lateral drainage systems within the project boundaries. In addition, a 20-foot wide Drainage-Maintenance Access Easement shall be provided from the top of bank of Government Hammock waterway. Manatee County is only responsible for maintaining the free flow of drainage through these systems.
3. Developer shall establish Base Flood Elevation for lots partially or totally within the Zone A prior to FSP/Construction Drawing approval.
4. Ten (10) feet of separation shall be provided between accessory structures (i.e. Heat Pumps, A/C Handlers, pool pumps, etc.) along the side yards of properties with a side yard setback of less than 7.5 feet.

D. ENVIRONMENTAL CONDITIONS:

1. A Conservation Easement for the areas defined as post-development jurisdictional wetlands/wetland buffers and upland preservation areas shall be dedicated to the County prior to or concurrent with the first Final Plat approval.
2. No lots shall be platted through post-development wetlands, wetland buffers or upland preservation areas.
3. The Ecosystems Management Plan shall be submitted for review and approval at the time of Final Site Plan. The Ecosystems Management Plan shall, at a minimum, including the following information:
 - a. Nuisance/Exotic Vegetation Removal Plan shall describe the target species and methodology for initial removal and those that become re-established in the upland

- portions of the site, including upland preservation area. This plan should also include a long-term Maintenance Plan that includes monitoring and removal frequency and methodology.
- b. Wetland Enhancement Plan shall include details for nuisance/exotic vegetation removal, any grading that may be necessary to restore hydrology and the species, spacing and location for all new plantings. This plan shall also include a Monitoring/Maintenance Plan that will detail the steps to be taken to ensure success. Please note that Mitigation Strategy may be required pursuant to LDC Section 719.6.7.
 - c. An integrated Pest Management Plan (IPM) for the application of fertilizers, pesticides, and herbicides shall be submitted for review and approval prior to Final Site Plan approval.
 - d. The Ecosystems Management Plan shall also identify any passive recreation uses that will be allowed within the boundaries of the preserve areas. Any proposed uses should be located in areas where minimal vegetation will be impacted and constructed in a manner that maintains the conservation values of the area. Maintenance guidelines for passive recreation uses shall be included in the plan.
4. A copy of the approved Ecosystems Management Plan shall be included in the HOA documents.
 5. A separate line item shall be included in the fiscal budget for the HOA to cover costs associated with implementing the Ecosystems Management Plan in perpetuity. This information shall be submitted, reviewed and approved by the County with the Final Plat submittal.
 6. A Well Management Plan for the proper protection and abandonment of existing wells shall be submitted to the County for review and approval prior to Final Site Plan approval. The Well Management Plan shall include the following information:
 - Digital photographs of the well along with nearby reference structures (if existing).
 - GPS coordinates (latitude/longitude) of the well.
 - The methodology used to secure the well during construction (e.g. fence, tape).
 - The final disposition of the well - used, capped, or plugged.
 7. Landscape material quantities and species are not approved with this Preliminary Site Plan and shall be reviewed and approved by EPD with the Final Site Plan.
 8. Irrigation for landscaping shall use the lowest water quality source available, which shall be identified on the Final Site Plan. Use of Manatee County public potable water supply shall be prohibited.

REMAINING ISSUES OF CONCERN – NOT RESOLVED OR STIPULATED				
No remaining issues.				
COMPLIANCE WITH LDC				
Standard(s) Required	Design Proposal	Compliance		Comments
		Y	N	
BUFFERS				
20' roadway buffer – Ellenton-Gillette Road	30'	Y		Shown; stipulation A.2
20' roadway buffer - Experimental Farm Road (49 th Ave E)	20'	Y		Shown; stipulation A.3
20' roadway buffer - Mendoza Road (37 th St E)	30'	Y		Shown; stipulation A.2
10' roadway buffer – 40 th Avenue East	20'	Y		Shown; stipulation A.4
15' greenbelt buffer	20'	Y		Shown; stipulation A.5
SIDEWALKS				
5' internal sidewalks	Both Sides	Y		Shown
5' sidewalk, exterior	Ellenton-Gillette & Mendoza	Y		Shown
ROADS & RIGHTS-OF-WAY				
50' internal rights-of-way	50'	Y		Streets to be public
24' paved roadways	24'	Y		Shown
COMPLIANCE WITH THE LAND DEVELOPMENT CODE				
Factors for Reviewing Proposed Site Plans (Section 508.6)				
Planned Districts - Rezone Review Criteria (Section 603.4)				
<p>Physical Characteristics: The property has one single family structure (that will be demolished) and the remaining portions of the 272 acres are vacant. According to the Community Development Manager, the value of the parcel exceeds the affordable housing stock threshold of \$176,000 and, therefore, this Applicant is not required to mitigate for the loss of this structure. The site has frontage on Ellenton-Gillette Road, Mendoza Road, and Experimental Farm Road extension. The site is bisected by a 170-foot FPL easement and a 50-foot FPL rail right-of-way which provide separation of the site into the southern and northern portions which will be Phase I and Phase II, respectively. According to the Applicant's narrative, the FPL rail right-of-way is infrequently used. A 10-foot buffer with 2.5 canopy trees and 33 shrubs per 100 LF is provided adjacent to the railroad. The site also contains several large wetlands that will be preserved as well as an upland habitat preservation area.</p>				
<p>Public Utilities, Facilities and Services: The site will be served by County water. There is a 12" waterline adjacent to Ellenton-Gillette Road and a 20" waterline adjacent to Mendoza Road. Currently there is no sanitary sewer service available for the site per the County's North County</p>				

Wastewater Master Plan. The Developer shall be responsible for extending sanitary sewer service to the site and connecting to the sanitary sewer system in accordance with the County's utility engineering standards. An Alternative Connection deviating from the County's North County Wastewater System Master Plan may exist, subject to verification and approval by the County Engineer. The Developer has proposed a Local Development Agreement (LDA) to provide for the construction of improvements and payment of fees or proportionate fair share contributions to extend sanitary sewer to the site.

The site is located within the Tillman Elementary, the Lincoln Middle, and the Palmetto High School attendance zones.

Emergency Services will be provided by the North River Fire District, Manatee County EMS, and the Sheriff's Office.

Major Transportation Facilities: The project site is located adjacent to Ellenton-Gillette Road (36th Avenue East) to the west and Mendoza Road (37th Street East) to the south. An extension of Experimental Farm Road (49th Street East) to the north will provide emergency access to the project site. The 50-foot of ROW required for emergency access to project Road "A" will be dedicated to the County while the remaining 34-feet of the emergency access portion and the remaining portions of 49th Avenue East are shown as future right-of-way setbacks.

Compatibility: The site is in an area which historically developed with larger lot single family residential lots. More recently the area has experienced a transition to single family detached subdivisions with gross densities ranging from 1.95 du/ac to 4.4 du/ac.

Transitions: The property is located within an area that is transitioning from agricultural and larger lot single family uses to smaller lot single-family developments.

Design Quality: The project proposes to develop 718 single-family detached units fronting on internal roadways. For those lots adjacent to existing thoroughfares (Ellenton-Gillette and Mendoza Roads) a 6-foot wall/fence will be provided in addition to a 30-foot buffer with canopy trees, shrubs, and berm. A 10-foot wide buffer with 2.5 canopy trees and 33 shrubs per 100 LF is provided adjacent to the FPL rail right-of-way. Sidewalks will be provided on both sides of the internal roadways and adjacent to Ellenton-Gillette and Mendoza Roads. Open space and recreational areas will be provided for both the northern and southern portions of the property with pedestrian connection proposed between the two areas.

Relationship to Adjacent Property: Properties to the south, east and west are zoned A-1 and have larger lot residential uses, vacant land, and a hospice facility. To the north, the property is zoned RSF-3 (Willow Trail Subdivision). On the west side of Ellenton-Gillette Road and on the north and south sides of Experimental Farm Road are Sugar Mill Lakes Subdivision, Coach House Mobile Home Park and Cypress Pond Estates subdivisions. The project is separated from existing uses by existing or proposed roadways. The PSP shows the larger lot sizes adjacent to the property boundaries and the project meets or exceeds the minimum requirements for buffers.

Access, Streets, Drives, Parking and Service Areas: Ellenton-Gillette provides access to the northern portion of the project at 46th Street East and an emergency access provided at the intersection of the extension of Experimental Farm Road (49th Avenue East) and project Road A. Mendoza Road provides two access points to the southern portion of the project. The internal streets will be publicly owned and maintained by Manatee County Government. The streets meet the minimum requirements of the LDC and Manatee County Public Works standards (50-feet of right-of-way and 24-feet of pavement).

Residential parking will be provided on the individual lots and parking for the amenity/recreational area will be provided as required by the parking standards and reviewed with the Final Site Plan.

Pedestrian Systems: Five-foot sidewalks are shown on both sides of the internal roadways and also adjacent to Ellenton-Gillette and Mendoza Roads.

Natural and Historic Features, Conservation and Preservation Areas: According to the narrative provided by the Applicant, there are no known historic or archaeological resources within or adjacent to the project boundaries.

Density/Intensity: The project site has two future land use categories: RES-3 and RES-6. The RES-3 FLUC covers the majority of the project site (232 acres) and has a gross density of 2.59 du/ac with a net density of 3.32 du/ac. The RES-6 FLUC (40 acres) has a gross density of 2.89 du/ac and a net density of 3.92 du/ac. The overall project density is 2.64 du/gross acre and 3.41 du/net acre. These densities are consistent with the recent development trends in the surrounding area.

Height: The project maximum height of 35-feet is consistent with the existing development and will not negatively impact the surrounding existing single family homes.

Fences and Screening: The Applicant is providing 30-foot roadway buffers adjacent to Ellenton-Gillette and Mendoza Roads with canopy trees, shrubs, berm, and a 6-foot wall/fence provided adjacent to lots abutting these roadways. The extension of Experimental Farm Road provides a 20-foot roadway buffer with canopy trees, shrubs, and berm. The eastern boundary shows a 20-foot buffer with canopy and shrubs. The PSP shows a 10-foot buffer adjacent to the FPL rail right-of-way (Refer to Stipulations A.2 – A.6).

Yards and Setbacks: The following chart provides the minimum setbacks for the project:

Use/Type	Front	Side	Rear
Single-family detached	25'/20' ¹	5'	15'
Wetland buffer setback	15'		
Wetland Buffer	30'		
Waterfront	30'		

¹20-feet to structure or side loaded garage/25-feet to front loaded garage. Corner lots shall provide a 20-foot setback from the structure (non-garage) to the property line adjacent to the other street.

Trash and Utility Plant Screens: Single family units will be individual can pick up as provided by the Manatee County franchisee in the area.

Signs: All signs within the project will meet the requirements of LDC Section 724 (Signs).

Landscaping: Detailed landscaping plans will be provided with the Final Site Plans for each construction phase. All landscaping will meet or exceed the standards in LDC Section 715 and as stipulated herein. The design and maintenance of roadway and greenbelt buffers will be based on a unified landscape plan.

Water Conservation: Site design will incorporate the water conservation methods listed in LDC Section 715 as applicable. Specific designs and methods will be submitted with the Final Site Plans for specific construction phases.

Mixed Use or Entranceway Designation: The project is not mixed use nor located within the entranceway.

Rights-of-Way: The internal streets provide 50-feet of right-of-way and will be publicly owned and maintained by Manatee County. Future right-of-way setbacks have been provided for Ellenton-Gillette, Mendoza, and the extension of Experimental Farm Road (49th Avenue East). The 50-feet required for the emergency access portion of 49th Avenue East will be dedicated to Manatee County.

Utility Standards: All public utilities construction will comply with the requirements of the Manatee County Development Standards.

Stormwater Management: Stormwater management facilities will meet the requirements of LDC Section 717 and the Manatee County Development Standards. Designs will be provided with the Final Site Plans for each construction phase.

Open Space: The project provides 105.21 acres of open space (38%; 25% is required).

COMPLIANCE WITH COMPREHENSIVE PLAN

The site is in the RES-3 and RES-6 Future Land Use Categories. A list of Comprehensive Plan Policies applicable to this request is attached. This project was specifically reviewed for compliance with the following policies:

Policy 2.1.2.7 Appropriate Timing. The timing is appropriate given development trends in the area. The surrounding area is characterized by properties approved for residential developments and/or existing single family development.

Policy 2.2.1.10.1 Intent (RES-3).

The residential use is consistent with the intent of the RES-3 FLUC which provides for a moderate-density suburban, or a clustered low density urban, residential environment.

Policy 2.2.1.10.2 Range of Potential Uses (RES-3).

Single-family detached uses are in the range of potential uses.

Policy 2.2.1.12.1 Intent (RES-6).

The residential use is consistent with the intent of the RES-6 FLUC which provides for low density urban, or a clustered low-moderate density urban, residential development.

Policy 2.2.1.12.2 Range of Potential Uses (RES-6).

Suburban or urban residential uses are in the range of potential uses.

Policy 2.6.1.1 Compatibility.

The Preliminary Site Plan design is compatible with surrounding development because the uses proposed, lot sizes, and setbacks are comparable with surrounding development.

Policy 2.6.5.4 Preserve/Protect Open Space.

A 6.86-acre upland habitat preservation area is provided on the southern portion of the project. The site plan shows 38% open space (105.21 acres). 25% open space is required.

TRANSPORTATION

Major Transportation Facilities

The site is adjacent to Ellenton Gillette Road which is designated as a two lane arterial in the Comprehensive Plan's Future Traffic Circulation Map with a required right of way of 120 feet. The site plan reflects a 16 foot future right of way setback along Ellenton Gillette Road that comprises the balance of the future right of way half-width on the project's side of the road.

The site is also adjacent to Mendoza Road which is designated as a two lane collector in the Comprehensive Plan's Future Traffic Circulation Map with a required right of way of 120 feet. The site plan reflects a 30 foot future right of way setback along Mendoza Road that comprises the balance of the future right of way half-width on the project's side of the road.

Future 49th Avenue East traverses the property in a north-south alignment along the eastern boundary from Mendoza Road to the north property line, and then curves to an east-west alignment along the northern boundary to the intersection with Experimental Farm Road. The site plan reflects an 84 foot future right of way setback, consistent with the Comprehensive Plan's Future Traffic Circulation Map, except where a 50 foot right of way dedication is required for emergency access.

Transportation Concurrency

Transportation concurrency was evaluated for the project. The Applicant prepared a Traffic Impact Analysis (TIA) to determine impacts on Ellenton Gillette Road, Mendoza Road and associated intersections near the project site. The results of the TIA, which was reviewed and approved by the Transportation Planning Division, indicated that there were no level of service deficiencies at studied intersections and roadway segments. The TIA indicated no off-site concurrency-related improvements are required for the project (see Certificate of Level of Service Compliance table below).

Access

The site will have access via Ellenton Gillette Road and Mendoza Road. The TIA included evaluation of all access points to determine the need for any site-related improvements. Based on the analysis, staff found the following site-related improvements are required:

1. Driveway 1, Ellenton Gillette Road - Construct a 490 foot southbound left turn-lane which includes a 50 foot taper, 290 foot deceleration and 150 foot storage length (concurrently with driveway 1).
2. Driveway 2 (west driveway), Mendoza Road - Construct a 310 foot eastbound left turn lane which includes a 50 foot taper, 185 foot deceleration and 75 foot storage length (concurrently with driveway 2).
3. Driveway 3 (east driveway), Mendoza Road - Construct a 310 foot eastbound left turn-lane which includes a 50 foot taper, 180 foot deceleration and 75 foot storage length (concurrently with driveway 3).

**CERTIFICATE OF LEVEL OF SERVICE (CLOS) COMPLIANCE
TRANSPORTATION CONCURRENCY**

CLOS APPLIED FOR: YES
TRAFFIC STUDY REQ'D: YES

NEAREST ROADWAY	LINK(S)	ADOPTED LOS	EXISTING LOS
Ellenton Gillette Road	2420	D	C*
Mendoza Road	2710	D	C*

**Future LOS includes effects of programmed improvements at the Ellenton Gillette/Mendoza intersection.*

OTHER CONCURRENCY COMPONENTS

Solid waste landfill capacity, park needs, and preliminary drainage intent have been reviewed with this Preliminary Site Plan. School capacity, potable water and waste water will be reviewed at the time of Final Site Plan/Construction Drawings.

SPECIAL APPROVALS – ANALYSES, RECOMMENDATIONS, FINDINGS

1. **Comprehensive Plan Policy 2.2.1.10.4(b) requires all projects located in the RES-3 land use category proposing a gross density exceeding 2 dwelling units per acre or proposing a net residential density exceeding 3 dwelling units per acre to obtain Special Approval.**

Staff Analysis and Recommendation

The Comprehensive Plan requires any project in the RES-3 land use category exceeding 2 dwelling unit per gross acre or 3 dwelling units per net acre to rezone to

the Planned Development Residential (PDR) zoning district. This application complies with this requirement.

Finding for Special Approval

The Board finds that the purpose of the Comprehensive Plan, specifically the intent of the RES-3 Future Land Use designation which states that development shall follow a logical expansion of the urban environment, typically growing from the west to the east, consistent with the availability of services and that the nature, extent, location of development, and the availability of services have been reviewed to ensure the transitioning of these lands is consistent with the intent of this policy and has been met by the proposed design.

SPECIFIC APPROVALS – ANALYSES, RECOMMENDATIONS, FINDINGS

- 1. LDC Section 714.8.7 requires replacement tree calipers to be three, five, or seven inches depending on the size of the tree removed. The request is to allow replacement tree calipers to be three or four inches.**

Staff Analysis and Recommendation

Staff is in support of the request for Specific Approval for an alternative to Section 714.8.7 of the LDC to allow replacement tree sizes at 3"/4"/4" instead of 3"/5"/7". Staff believes that smaller size trees typically establish and grow faster; therefore, providing more tree canopy sooner.

Finding for Special Approval

Notwithstanding the failure of this plan to comply with the requirements of LDC Section 714.8.7, the Board finds that the purpose of the LDC regulation is satisfied to an equivalent degree by the proposed design because the required number of trees and canopy will be provided.

- 2. LDC Section 715.3.4 requires one (1) canopy tree every fifty (50) linear feet along rights-of-way in residential developments, to allow for one canopy tree per lot per frontage.**

Staff Analysis and Recommendation:

Staff is in support of the request for Specific Approval for an alternative to Section 715.3.4 of the LDC to allow only 1 tree per lot per frontage instead of one per 50 linear feet, as more than one tree on narrow lots creates conflicts between the trees and infrastructure. This alternative avoids these conflicts from occurring.

Findings for Specific Approval:

Notwithstanding the failure of this plan to comply with the requirements of LDC Section 715.3.4, the Board finds that the purpose of the LDC regulation is satisfied to an equivalent degree, as providing fewer trees will prevent future removal to prevent conflicts with infrastructure.

ATTACHMENTS

- 1. Applicable Comprehensive Plan Policies**
- 2. Zoning Disclosure Affidavit**
- 3. Traffic Impact Analysis**
- 3. Copy of Newspaper Advertising**
- 4. Ordinance PDR-14-04(Z)(P)**

APPLICABLE COMP PLAN POLICIES	
Policy: 2.1.2.3	Permit the consideration of new residential and non-residential development with characteristics compatible with existing development, in areas which are internal to, or are contiguous expansions of existing development if compatible with future areas of development.
Policy: 2.1.2.4	Limit urban sprawl through the consideration of new development, when deemed compatible with existing and future development, in areas which are internal to, or are contiguous expansions of the built environment.
Policy: 2.2.1.10	RES-3: Establish the Residential-3 Dwelling Units/Gross Acre future land use category as follows:
Policy: 2.2.1.10.1	Intent: To identify, textually in the Comprehensive Plan's goals, objectives, and policies, or graphically on the Future Land Use Map, areas which are established for a moderate-density suburban, or a clustered low density urban, residential environment. Also, to provide a complement of residential support uses normally utilized during the daily activities of residents of these moderate density suburban, or low density urban areas.
Policy: 2.2.1.10.2	Range of Potential Uses (see Policies 2.2.1.5, 2.1.2.3 - 2.1.2.7): Suburban or urban residential uses, neighborhood retail uses, short-term agricultural uses other than special agricultural uses, agriculturally-compatible residential uses, public or semi-public uses, schools, low-intensity recreational uses, and appropriate water-dependent/water-related/water enhanced uses (see also Objectives 4.2.1 and 2.10.4).
Policy: 2.2.1.10.3	<p>Range of Potential Density/Intensity:</p> <p style="padding-left: 40px;">Maximum Gross Residential Density: 3 dwelling units per acre Minimum Gross Residential Density: 2.5 only in CRA's and UIRA for residential projects that designate a minimum of 25% of the dwelling units as "Affordable Housing"</p> <p style="padding-left: 40px;">Maximum Net Residential Density: 6 dwelling units per acre 9 dwelling units per acre within the CRA's and UIRA for residential projects that designate a minimum of</p>

25% of the dwelling units as “Affordable Housing”
(except within the WO or CHHA Overlay
Districts, pursuant to Policies 2.3.1.5 and 4.3.1.5)

Maximum Floor Area Ratio:
0.23 (0.35 for mini-warehouse uses only)
1.00 inside the CRA’s and UIRA

Maximum Square Footage for Neighborhood
Retail Uses: Medium (150,000sf)

Policy: 2.2.1.10.4 Other Information:

- a) All mixed and multiple-use projects require special approval, as defined herein, and as further defined in any land development regulations developed pursuant to § 163.3202, F.S.
- b) All projects for which gross density exceeds 2.0 dwelling units per acre, or in which any net residential density exceeds 3 dwelling units per acre, shall require special approval.
- c) Any nonresidential project exceeding 30,000 square feet of gross building area shall require special approval.

Policy: 2.2.1.12 **RES-6:** Establish the Residential-6 Dwelling Units/Gross Acre future land use category as follows:

Policy: 2.2.1.12.1 Intent: To identify, textually in the Comprehensive Plan's goals, objectives, and policies, or graphically on the Future Land Use Map, areas which are established for a low density urban, or a clustered low-moderate density urban, residential environment. Also, to provide for a complement of residential support uses normally utilized during the daily activities of residents of these low or low-moderate density urban areas.

Policy: 2.2.1.12.2 Range of Potential Uses (see Policies 2.1.2.3 - 2.1.2.7, 2.2.1.5): Suburban or urban residential uses, neighborhood retail uses, short-term agricultural uses other than special agricultural uses, agriculturally-compatible residential uses, public or semi-public uses, schools, low intensity recreational uses, and appropriate water-dependent/water-related/water-enhanced uses (see also Objectives 4.2.1 and 2.10.4).

Policy: 2.2.1.12.3 Range of Potential Density/Intensity:

Maximum Gross Residential Density:
6 dwelling units per acre

Minimum Gross Residential Density:
5.0 only in CRA’s and UIRA for residential projects that designate a minimum of 25% of the dwelling units as “affordable housing”.

Maximum Net Residential Density:

12 dwelling units per acre

16 dwelling units per acre within the CRA's and UIRA for residential projects that designate a minimum of 25% of the dwelling units as "Affordable Housing" (except within the WO or CHHA Overlay Districts pursuant to Policies 2.3.1.4 and 4.3.1.5).

Maximum Floor Area Ratio:

0.23 (0.35 for mini-warehouse uses only)

1.00 inside the CRA's and UIRA

Maximum Square Footage for Neighborhood

Retail Uses: Medium (150,000sf)

Policy: 2.2.1.12.4

Other Information:

- a) All mixed and multiple-use projects require special approval, as defined herein, and as further defined in any land development regulations developed pursuant to § 163.3202, F.S.
- b) All projects for which gross residential density exceeds 4.5 dwelling units per acre, or in which any net residential density exceeds 6 dwelling units per acre shall require special approval.
- c) Any nonresidential project exceeding 30,000 square feet of gross building area shall require special approval.
- d) Professional office uses not exceeding 3,000 square feet in gross floor area within this category may be exempted from compliance with any locational criteria specified under Policies 2.10.4.1 and 2.10.4.2, and detailed in the Land Use Operative Provisions Section E (1) provided such office is located on a roadway classified as a minor or principal arterial, however, not including interstates and shall still be consistent with other commercial development standards and with other goals, objectives, and policies in this Comprehensive Plan (see also 2.10.4.2).

Objective 2.6.1

Compatibility through Screening, Buffering, Setbacks, and Other Mitigative Measures: Require suitable separation between adjacent land uses to reduce the possibility of adverse impacts to residents and visitors, to protect the public health, and to provide for strong communities.

Policy: 2.6.1.1

Require all adjacent development that differs in use, intensity, height, and/or density to utilize land use techniques to mitigate potential incompatibilities. Such techniques shall include but not be limited to:

- use of undisturbed or undeveloped and landscaped buffers
- use of increased size and opacity of screening
- increased setbacks
- innovative site design (which may include planned development

	review) <ul style="list-style-type: none">- appropriate building design- limits on duration/operation of uses- noise attenuation techniques- limits on density and/or intensity [see policy 2.6.1.3]
Policy: 2.6.2.7	Require clustering, as appropriate, to limit impacts of residential development on adjacent agricultural, conservation, open space, or environmentally sensitive uses.
Policy: 2.6.2.8	Utilize the techniques of policy 2.6.1.1, as appropriate, to mitigate noise and/or other traffic impacts for residential development adjacent to roadways classified as arterials and limited access facilities.
Objective: 2.6.5	Quality in Project Design: Promote appropriate diversity within and between existing and future development projects to achieve high quality, efficient functioning design.
Policy: 2.6.5.1	Provide incentives for, and otherwise encourage the use of the planned unit development procedure to achieve quality, highly functional, and well-integrated project designs.
Policy: 2.6.5.5	Maximize the conservation and/or protection of public or private open space, including common open space, through the land development process by requiring that minimum percentages of the upland area on any project be maintained as undisturbed or landscaped areas.
Objective: 2.9.1	Strong Communities: Create and maintain communities which are characterized by their: <ul style="list-style-type: none">- connection, integration, and compatibility with surrounding land uses,- community spaces and focal points,- protection of the natural environment,- connection and integration of pedestrian, bicycle, and vehicular systems,- usable open spaces, and public access to water features,- unifying design elements and features,- variety of housing stock,- pedestrian oriented structures, and pedestrian friendly design,- connection to recreational facilities, schools, adjacent neighborhoods, employment opportunities and commercial uses.
Policy: 2.9.1.1	Minimize the development of residential projects which create isolated neighborhoods.

Policy: 2.9.1.2	Promote the connection and integration of community pedestrian, bicycle, and vehicular systems to the larger county systems. (See also Obj. 3.3.3)
Policy: 2.9.1.3	Provide vehicular access between neighborhoods, particularly (but not exclusively) when part of a planned unit development containing more than one neighborhood.
Policy: 2.9.1.5	Promote the development of pedestrian friendly designs.
Policy: 2.9.1.7	Encourage the development of community spaces, including usable open space and public access to water features.
Policy: 2.9.1.8	Encourage the design of residential projects providing continuous green space connecting neighborhoods.
Policy: 2.9.1.9	Require, where feasible, pedestrian and bicycle access to community spaces, schools, recreational facilities, adjacent neighborhoods, employment opportunities, professional and commercial uses (see also Obj. 3.3.3).
Objective: 2.9.4	Community Image: Develop an aesthetically pleasing environment which enhances the image of Manatee County as a high quality community in which to live, work, and visit.
Policy: 3.2.3.2	Require all water used for irrigation in new development to be the lowest quality of available water which adequately and safely meets their water use needs by requiring stormwater reuse, alternative irrigation sources, reclaimed water use, and gray water irrigation systems. Priority to receive reclaimed water shall be given to users who transfer groundwater withdrawal or other permitted quantities to Manatee County. Potable water from County utilities shall not be utilized for landscape irrigation. [See Policies 9.6.1.3, and policies under Objective 9.1.5]
Objective: 3.3.1	Wetlands Protection: Preserve and protect existing, viable wetland systems to: <ul style="list-style-type: none">- maintain control of flooding and erosion through storage of agricultural and urban runoff in wetland areas;- achieve biological filtration of pollutants associated with urban and agricultural runoff by wetlands;- maintain protection of coastal areas from tidal storm surges through maintaining wetlands as a natural buffer;- achieve water recharge of surficial aquifers through wetland areas;- maintain unique habitat functions of wetland areas as homes and critical breeding areas for many animal and plant species;- maintain essential chemical and energy cycles facilitated by wetlands;

- maintain educational and recreational opportunities provided by wetlands.

Policy: 3.3.1.2 Require that the extent of wetland areas on any proposed development or redevelopment site be identified on a signed-and-sealed wetlands delineation at time of preliminary site plan, preliminary plat, or other preliminary development plan or similar approval. Manatee County may revoke any development orders where the difference between an estimate of wetland areas shown on a signed-and-sealed survey and actual wetlands on site is determined to be significant enough to warrant substantial project redesign.

Policy: 3.3.1.3 When development related impacts are unavoidable (see policy 3.3.1.1), require that all development-related impacts to wetlands be mitigated.

(1) When mitigation is required by the State, the type and quantity of mitigation shall be determined by the Uniform Wetland Mitigation Assessment Method (UMAM) as outlined in Chapter 62-345 F.A.C., as amended.

(2) In those instances where wetland mitigation is not required by the State wetland mitigation shall be provided in accordance with Subparagraphs (a) through (d) below. The type of wetland mitigation or combination thereof as described in subparagraphs (a) through (d) below shall be determined by the County based on site conditions. The order of preference considered by the County shall be as follows:

(a) **Wetland Enhancement/Restoration:** Five acres of enhanced or restored on site wetlands shall be provided for every one acre of wetland to be impacted.

(b) **Upland Preservation:** In the event there is inability to create viable wetland enhancement/restoration on the site, five acres of native upland habitat shall be preserved for every one acre of wetland to be impacted. Preserved uplands utilized for wetland mitigation shall be on site of the proposed development and shall be in excess of the requirement of Policy 3.3.2.2

(c) **Payment in Lieu of Mitigation:** In lieu of the mitigation requirements in subparagraphs (a) and (b) above, the County may collect a mitigation fee. The fee charged shall be based on the acreage of impact and shall be an amount sufficient to achieve full and complete compensation for the impact.

(d) **Wetland Creation:** Two acres of herbaceous wetlands shall be or created for every acre of herbaceous wetlands altered. Four acres of forested or mangrove wetlands shall

be created for every acre of such wetlands altered, unless other requirements are enforced pursuant to (3) below.

- 3) Wetland mitigation provided in accordance with Section (2) above shall also be subject to the following:
 - (a) All approved mitigation shall be required to demonstrate, through appropriate monitoring and reporting by the project's developer, at least an 85% coverage of desirable wetland species for a period of at least two years for herbaceous wetland communities, and an 85% planting survival rate for at least five years for forested and mangrove communities.
 - (b) All areas which are created, in accordance with this policy shall be protected.

Objective: 3.3.2 **Wildlife and Upland Habitat Protection:** Protect and preserve native wildlife, endangered, threatened and species of special concern, and native upland habitat through appropriate acquisition, restoration, and development controls to provide:

- areas for passive recreation and enhanced quality of life;
- large pervious areas for improved water quality and groundwater recharge;
- species biodiversity; and
- natural area greenways.