# MANATEE COUNTY GOVERNMENT
## *AGENDA MEMORANDUM*

| | | | |
|---|---|---|---|
| **SUBJECT** | PDMU-11-13(G) Medallion Home at Ft. Hamer, LLC/Wayne Underhill/Crosscreek | **TYPE AGENDA ITEM** | Advertised Public Hearing –Consent |
| **DATE REQUESTED** | 02/09/12 PC | **DATE SUBMITTED/REVISED** | 02/01/12 |
| **BRIEFINGS? Who?** | None | **CONSEQUENCES IF DEFERRED** | N/A |
| **DEPARTMENT/DIVISION** | Building & Development Services Department/Comprehensive Planning and Public Hearings | **AUTHORIZED BY TITLE** | Robert Schmitt, AICP, Planning Division Manager |
| **CONTACT PERSON TELEPHONE/EXTENSION** | Sharon Tarman<br>941-748-4501, ext. 6863 | **PRESENTER/TITLE TELEPHONE/EXTENSION** | Sharon Tarman, AICP, Planner<br>941-748-4501, ext. 6863 |
| **ADMINISTRATIVE APPROVAL** | | | |

**ACTION DESIRED**
**INDICATE WHETHER 1) REPORT; 2) DISCUSSION; 3) FORM OF MOTION; OR 4) OTHER ACTION REQUIRED**

I move to continue PDMU-11-13(G) to March 8, 2012, at 9:00 a.m. or as soon thereafter as same may be heard at the Manatee County Government Administrative Center, 1st Floor Chambers.

**ENABLING/REGULATING AUTHORITY**
**Federal/State law(s), administrative ruling(s), Manatee County Comp Plan/Land Development Code, ordinances, resolutions, policy**

Manatee County Comprehensive Plan and Manatee County Land Development Code.

**BACKGROUND/DISCUSSION**

n/a

**COUNTY ATTORNEY REVIEW**

| Check appropriate box | |
|---|---|
| ☐ | **REVIEWED**<br>**Written Comments:**<br>☐ **Attached**<br>☐ **Available from Attorney (Attorney's initials: _____)** |
| ☒ | **NOT REVIEWED (No apparent legal issues.)** |
| ☐ | **NOT REVIEWED (Utilizes exact form or procedure previously approved by CAO.)** |
| ☐ | **OTHER** |

| **ATTACHMENTS: (List in order as attached)** | | **INSTRUCTIONS TO BOARD RECORDS:** | |
|---|---|---|---|
| n/a | | n/a | |
| **COST:** | n/a | **SOURCE (ACCT # & NAME):** | n/a |
| **COMMENTS:** | | **AMT./FREQ. OF RECURRING COSTS: (ATTACH FISCAL IMPACT STATEMENT)** | |

# MANATEE COUNTY GOVERNMENT
## *AGENDA MEMORANDUM*

| | | | |
|---|---|---|---|
| **SUBJECT** | PDC-11-15(Z)(P) – R & R Properties, LLC/Myakka Dollar General | **TYPE AGENDA ITEM** | Advertised Public Hearing –Consent |
| **DATE REQUESTED** | 02/09/12 PC | **DATE SUBMITTED/REVISED** | 02/01/12 |
| **BRIEFINGS? Who?** | None | **CONSEQUENCES IF DEFERRED** | N/A |
| **DEPARTMENT/DIVISION** | Building & Development Services Department/Comprehensive Planning and Public Hearings | **AUTHORIZED BY TITLE** | Robert Schmitt, AICP, Planning Division Manager |
| **CONTACT PERSON TELEPHONE/EXTENSION** | Stephanie Moreland<br>941-748-4501, ext. 3880 | **PRESENTER/TITLE TELEPHONE/EXTENSION** | Stephanie Moreland, Planner<br>941-748-4501, ext. 3880 |
| **ADMINISTRATIVE APPROVAL** | | | |

**ACTION DESIRED**
**INDICATE WHETHER 1) REPORT; 2) DISCUSSION; 3) FORM OF MOTION; OR 4) OTHER ACTION REQUIRED**

I move to recommend approval of PDC-11-15(Z)(P) per the recommended motion in the staff report attached to this memo.

**ENABLING/REGULATING AUTHORITY**
**Federal/State law(s), administrative ruling(s), Manatee County Comp Plan/Land Development Code, ordinances, resolutions, policy**

Manatee County Comprehensive Plan and Manatee County Land Development Code.

**BACKGROUND/DISCUSSION**

- R&R Properties, LLC, applicant for the Myakka Dollar General requests a rezone of 1.2± acres from A-1 (Suburban Agriculture) and VIL (Village) zoning districts to PDC (Planned Development Commercial) and approval of a Preliminary Site Plan for a 9,002 square foot commercial retail establishment. The site is on the south side of S.R.70, approximately ¼ mile west of Wauchula Road at 36750 S.R.70 East.
- The 1.2± acre site is in the RES-1 and RES-3 Future Land Use Categories (FLUCs). RES-1 and RES-3 FLUCs list neighborhood retail uses in the range of potential uses for consideration.
- The Board of County Commissioners adopted PA-12-02 on February 02, 2012 to allow an expansion of the commercial node for properties west of Wauchula Road and S.R. 70 from 1,500 feet to1,640 feet. Staff recommends the Final Site Plan not be issued until the Plan Amendment becomes effective.
- Policy 2.10.4 requires those commercial projects west of Wauchula Road to be within 1,640 feet of the intersection of Wauchula Road and S. R. 70, two functionally classified roadways. The site has 262± feet of frontage along S.R.70. The westernmost boundary of the site is approximately 1,670 feet west of the intersection of Wauchula Road and S.R. 70.
- 232 feet or 98 percent of the site's frontage lies within the established commercial node. Therefore, the site meets commercial locational criteria under the 75% rule (Comprehensive Plan Land Use Operative Provision E.4.a.) and is eligible to be considered for commercial zoning.
- A small part of the site (west boundary) is in the A-1 (Suburban Agriculture) zoning district. The other part is zoned VIL (Village). General retail sales is a Special Permit use in Village and a non-permitted use in A-1. A rezone of the site to PDC will consolidate the existing zoning districts to permit the retail use on the entire site.
- There will be perimeter and interior landscaping around vehicle use areas, as well as landscaping in perimeter and roadway buffers.
- The project is in the X Flood Zone Category. There are 0.13± wetlands on the site. 0.05 acres of wetlands will be impacted. Wetland impacts are primarily due to site grading and the creation of a post-development wetland buffer. Wetland mitigation will be required to be in accordance with Comprehensive Plan Policy 3.3.1.3, details of which will be reviewed and approved with the Final Site Plan.
- There are no known historic or archaeological resources on the site.
- Staff recommends approval with stipulations.

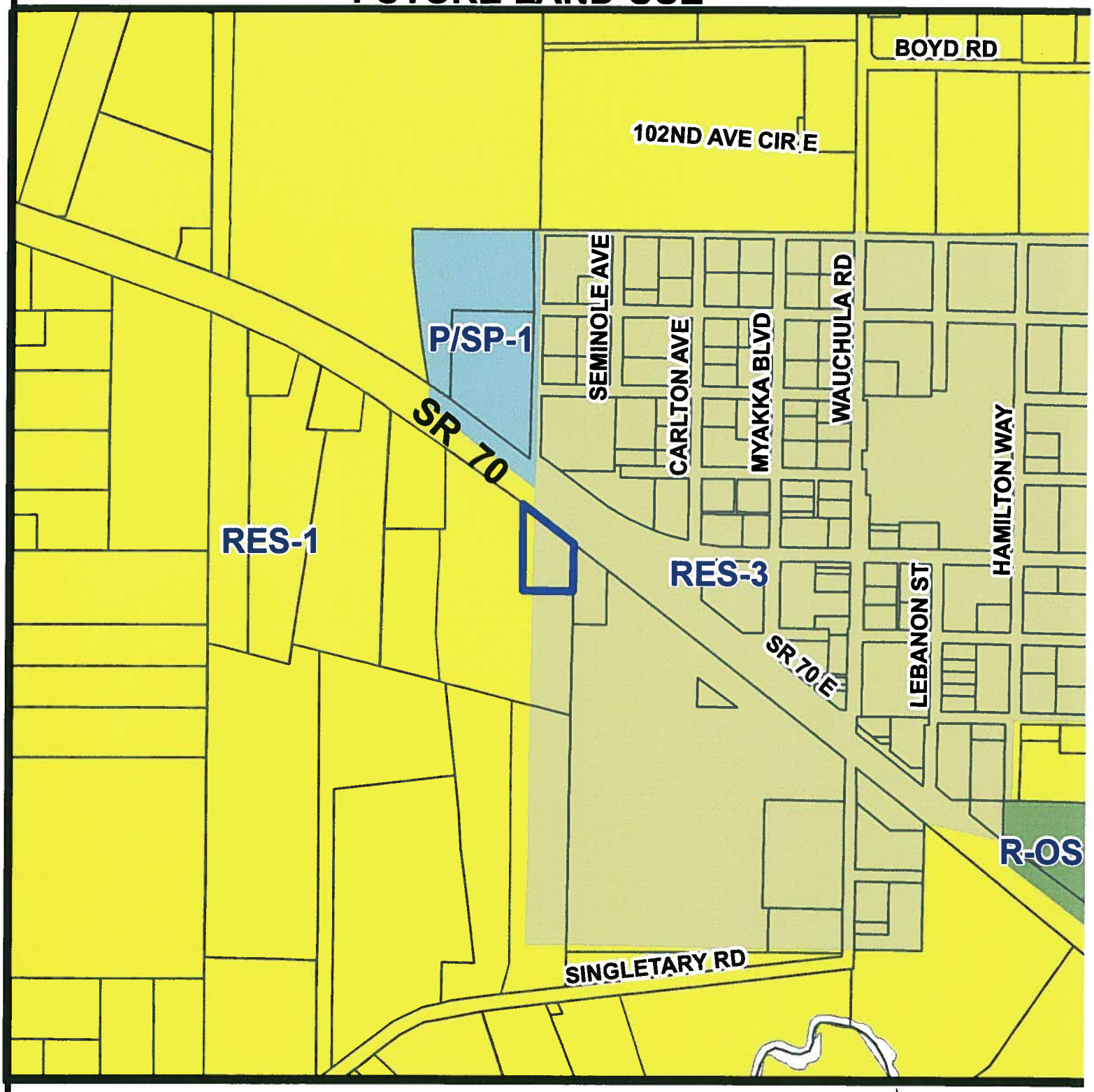
**COUNTY ATTORNEY REVIEW**

| Check appropriate box | |
|---|---|
| ☐ | **REVIEWED** |

| | |
|---|---|
| | **Written Comments:**<br>☐ **Attached**<br>☐ **Available from Attorney (Attorney's initials: _____)** |
| ☒ | **NOT REVIEWED (No apparent legal issues.)** |
| ☐ | **NOT REVIEWED (Utilizes exact form or procedure previously approved by CAO.)** |
| ☐ | **OTHER** |

| **ATTACHMENTS: (List in order as attached)** | | **INSTRUCTIONS TO BOARD RECORDS:** | |
|---|---|---|---|
| Staff Report | | n/a | |
| **COST:** | n/a | **SOURCE (ACCT # & NAME):** | n/a |
| **COMMENTS:** | | **AMT./FREQ. OF RECURRING COSTS: (ATTACH FISCAL IMPACT STATEMENT)** | |

# FUTURE LAND USE



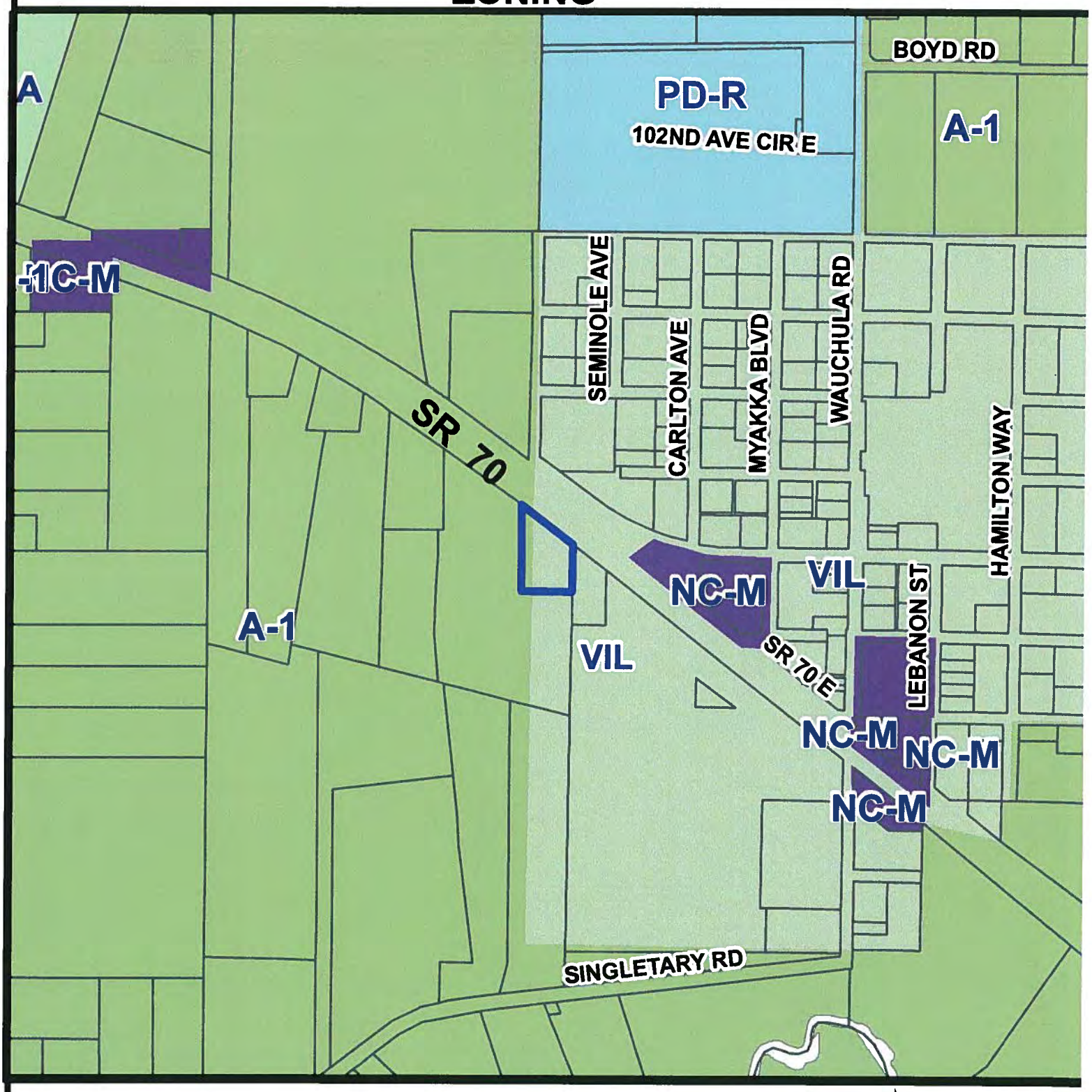

Parcel ID #(s) 184630002

Manatee County
Staff Report Map

Map Prepared 6/6/2011
1 inch = 547 feet

| | |
|---|---|
| Project Name: | Myakka City Dollar General |
| Project #: | PDC-11-15 (Z)(P) |
| DTS#: | 20110274 |
| Proposed Use: | Commercial |
| S/T/R: | Sec 13 Twn 36 Rng 21 |
| Acreage: | 1.2 |
| Existing Zoning: | VIL, A-1 |
| Existing FLU: | RES-1, RES-3 |
| Overlays: | NONE |
| Special Areas: | NONE |
| CHH: | NONE |
| Watershed: | NONE |
| Drainage Basin: | MYAKKA RIVER |
| Commissioner: | Donna Hayes |

# ZONING

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| | | | |
|---|---|---|---|
| S/T/R: | Sec 13 Twn 36 Rng 21 | | |
| Acreage: | 1.2 | | |
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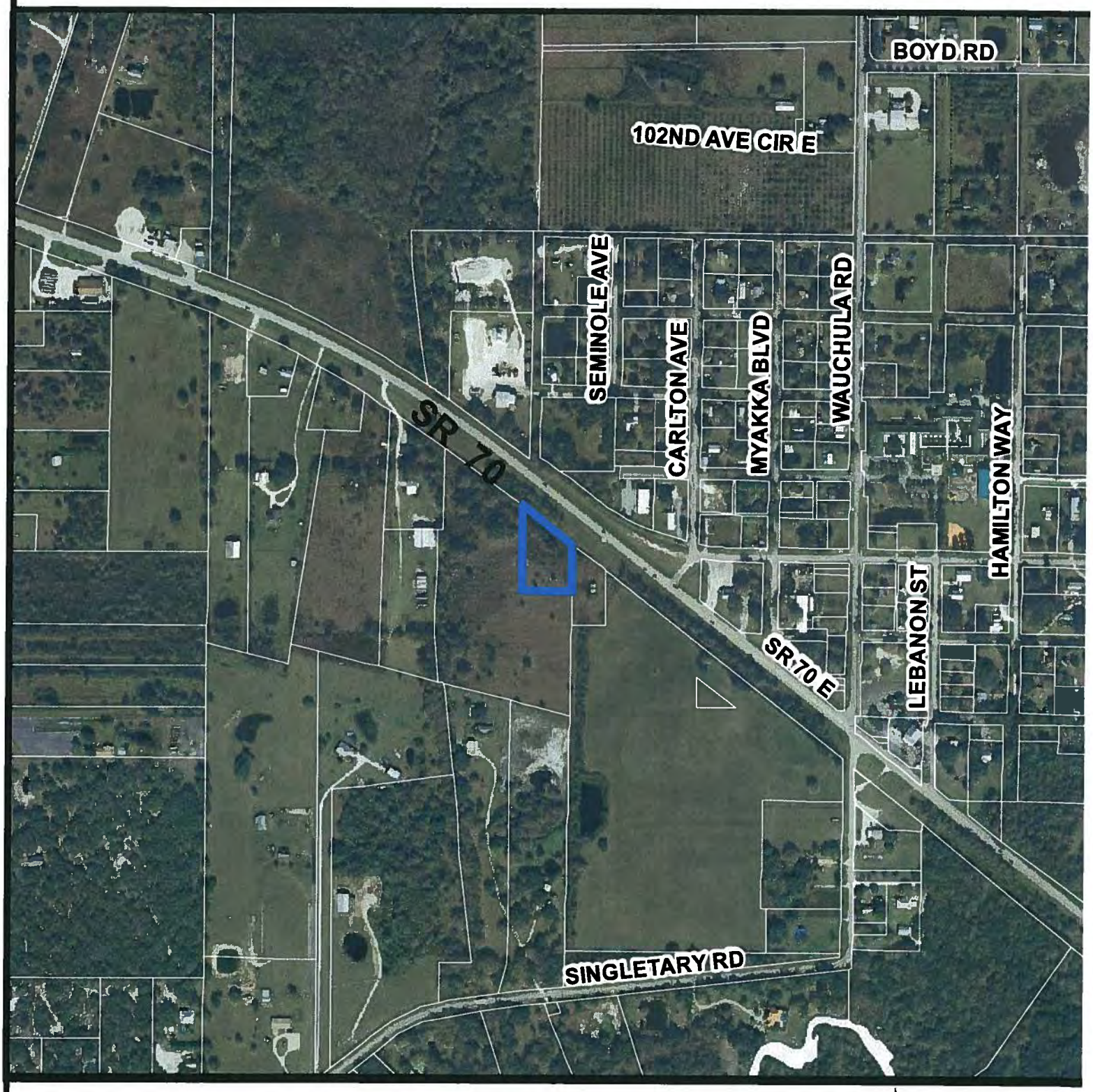
| Existing FLU: | RES-1, RES-3 | Watershed: | NONE |
| Overlays: | NONE | Drainage Basin: | MYAKKA RIVER |
| Special Areas: | NONE | Commissioner: | Donna Hayes |

# AERIAL




Parcel ID #(s) 184630002

Manatee County
Staff Report Map

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1 inch = 547 feet

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|---|---|
| Project Name: | Myakka City Dollar General |
| Project #: | PDC-11-15 (Z)(P) |
| DTS#: | 20110274 |
| Proposed Use: | Commercial |

| | | | |
|---|---|---|---|
| S/T/R: | Sec 13 Twn 36 Rng 21 | | |
| Acreage: | 1.2 | | |
| Existing Zoning: | VIL, A-1 | CHH: | NONE |
| Existing FLU: | RES-1, RES-3 | Watershed: | NONE |
| Overlays: | NONE | Drainage Basin: | MYAKKA RIVER |
| Special Areas: | NONE | Commissioner: | Donna Hayes |

P.C. 2/09/12

**PDC-11-15(Z)(P) – R & R PROPERTIES, LLC/MYAKKA DOLLAR GENERAL**

An Ordinance of the Board of County Commissioners of Manatee County, Florida, regarding land development, amending the official zoning atlas (Ordinance No. 90-01, the Manatee County Land Development Code) relating to zoning within the unincorporated area; providing for the rezoning of approximately 1.2 acres on the south side of S.R.70 East, approximately ¼ mile west of Wauchula Road, at 36750 S.R.70 East Myakka; from the VIL (Village) and A-1 (Suburban Agriculture) zoning districts to PDC (Planned Development Commercial); approving a Preliminary Site Plan for a 9,002 square foot Commercial Retail Establishment; subject to stipulations as conditions of approval; setting forth findings; providing for severability; providing a legal description, and providing an effective date.

**P.C.: 2/09/12** **B.O.C.C.: 2/28/12**

**RECOMMENDED MOTION:**

**Based upon the staff report, evidence presented, comments made at the Public Hearing, 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 recommend ADOPTION of the Manatee County Zoning Ordinance No. PDC-11-15(Z)(P); APPROVAL of the Preliminary Site Plan with Stipulations A.1–A.3, B.1-B.4, and C.1-C.2; ADOPTION of the Findings for Specific Approval; and GRANTING Specific Approval for an alternative to LDC Section 714.8.7; subject to Plan Amendment PA-12-02/Ordinance No.12-02 becoming effective, as recommended by staff.**

| PROJECT SUMMARY | |
|---|---|
| **CASE#** | **PDC-11-15(Z)(P), DTS#20110274, Buzzsaw #81** |
| **PROJECT NAME** | **Myakka City Dollar General** |
| **APPLICANT(S):** | **R & R Properties, LLC** |
| **EXISTING ZONING:** | **A-1 (Suburban Agriculture) and VIL (Village)** |
| **PROPOSED USE(S):** | **Commercial Neighborhood Retail Establishment – Dollar General.** |
| | |
| **CASE MANAGER:** | **Stephanie Moreland** |
| **STAFF RECOMMENDATION:** | **Approval with stipulations** |

## DETAILED DISCUSSION

The 1.2± acre site is in the RES-1 and RES-3 Future Land Use Categories (FLUCs). RES-1 and RES-3 FLUCs list neighborhood retail uses in the range of potential uses for consideration.

The Board of County Commissioners adopted PA-12-02 on February 02, 2012 to allow an expansion of the commercial node for properties west of Wauchula Road and S.R. 70 from 1,500 feet to1,640 feet. Staff recommends the Final Site Plan not be issued until the Plan Amendment becomes effective.

Policy 2.10.4 requires those commercial projects west of Wauchula Road to be within 1,640 feet of the intersection of Wauchula Road and S. R. 70, two functionally classified roadways. The site has 262± feet of frontage along S.R.70. The westernmost boundary of the site is approximately 1,670 feet west of the intersection of Wauchula Road and S.R. 70.

232 feet or 98 percent of the site's frontage lies within the established commercial node. Therefore, the site meets commercial locational criteria under the 75% rule (Comprehensive Plan Land Use Operative Provision E.4.a.) and is eligible to be considered for commercial zoning.

A small part of the site (west boundary) is in the A-1 (Suburban Agriculture) zoning district. The other part is zoned VIL (Village). General retail sales is a Special Permit use in Village and a non-permitted use in A-1. A rezone of the site to PDC will consolidate the existing

zoning districts to permit the retail use on the entire site.

There will be perimeter and interior landscaping around vehicle use areas, as well as landscaping in perimeter and roadway buffers.

The project is in the X Flood Zone Category. There are 0.13± wetlands on the site. 0.05 acres of wetlands will be impacted. Wetland impacts are primarily due to site grading and the creation of a post-development wetland buffer. Wetland mitigation will be required to be in accordance with Comprehensive Plan Policy 3.3.1.3, details of which will be reviewed and approved with the Final Site Plan.

There are no known historic or archaeological resources on the site.

Staff recommends approval with stipulations.

| SITE CHARACTERISTICS AND SURROUNDING AREA | |
|---|---|
| **ADDRESS:** | **36750 S.R.70 East** |
| **GENERAL LOCATION:** | **South side of S.R. 70, approximately ¼ mile west of the intersection of S.R. 70 and Wauchula Road.** |
| **ACREAGE:** | **1.2± acres (0.31± in A-1 and 0.89± in VIL)** |
| **EXISTING USE(S):** | **Vacant land and single-family residence** |
| **FUTURE LAND USE CATEGORY(S):** | **RES-1 (Residential, one dwelling unit per acre-0.31± acres) and RES-3 (Residential, three dwelling units per acre – 0.89± acres).** |
| **FLOOR AREA RATIO (FAR):** | **0.17** |
| **SPECIAL APPROVAL(S):** | **N/A** |
| **OVERLAY DISTRICT(S):** | **N/A** |
| **SPECIFIC APPROVAL(S):** | **Reduction of tree replacement sizes** |
| **SURROUNDING USES & ZONING** | |
| **NORTH** | **Across S. R. 70, vacant land zoned NC-M (Neighborhood Commercial-Medium)** |
| **SOUTH and WEST** | **Vacant land zoned A-1 and VIL** |

| | |
|---|---|
| **EAST** | **Abandoned burn-out single-family residence zoned VIL** |

| **SITE DESIGN DETAILS** | | |
|---|---|---|
| **BUILDING SQUARE FOOTAGE:** | **9,002 square foot building.** | |
| **MINIMUM SETBACKS:** | **Front**<br>**Side**<br>**Rear** | **30'**<br>**15'**<br>**20'** |
| **OPEN SPACE:** | **20% required; 44.2% provided** | |
| **ACCESS:** | **36750 S.R. 70 East** | |
| **FLOOD ZONE(S)** | **X (Panel 120153 0475 C, revised 7/15/92)** | |
| **AREA OF KNOWN FLOODING** | **No** | |
| **UTILITY CONNECTIONS** | **Well and septic** | |

| **ENVIRONMENTAL INFORMATION** | |
|---|---|
| **Overall Wetland Acreage:** | **0.13** |
| **Proposed Impact Acreage:** | **0.05** |

| Wetland I.D. | Acres Impacted | Type | Quality (UMAM Score) | Reason for Impact | EPD Objection | Explanation |
|---|---|---|---|---|---|---|
| A | .05 | Forested | Low (0.3) | Site Constraints | No | Necessary to establish commercial use on-site |

The proposed 0.05 acre wetland impact is to a remnant wetland. According to the environmental narrative provided by the applicant, this is a spur off an existing channelized/ ditched wetland system. The wetland impacts have been minimized to the greatest extent possible while still allowing commercial development on this constrained site. Wetland impacts are primarily due to site grading and the creation of a post-development wetland buffer. The Environmental Planning Division has no objection to the wetland impacts as proposed.

Wetland mitigation will be required to be in accordance with Comprehensive Plan Policy 3.3.1.3, details of which will be reviewed and approved with the Final Site Plan.

Uplands:

According to the environmental narrative there is no native habitat on-site.

Endangered Species:

According to the environmental narrative the site has been checked for Threatened & Endangered Species. One active gopher tortoise burrow was found at the northeast corner of the site. A stipulation is being provided to require this be addressed with the Final Site Plan.

Trees

The applicant has provided tree information with this Preliminary Site Plan. However, tree replacement details will be reviewed and approved with the Final Site Plan and will be in accordance with Section 714 of the LDC. Pursuant to staff's recommendation, the applicant is requesting Specific Approval for an alternative to Section 714.8.7 of the LDC to allow replacement tree sizes in line with the amendments proposed to this section by staff.

**NEARBY DEVELOPMENT**

| NON-RESIDENTIAL | | | | |
|---|---|---|---|---|
| PROJECT | SQ. FT. | F.A.R. | FLUC | YEAR APPROVED |
| Myakka Grocery Store | 3,708 square feet | 0.03 | RES-3 | 1985 |

**POSITIVE ASPECTS**

- Commercial retail sales and services will provide convenience for nearby residents, motorists, and visitors to the area.
- The site has frontage along an arterial roadway, S.R. 70.

**NEGATIVE ASPECTS**

- A small wetland impact is proposed.

**MITIGATING FACTOR**

- Wetland buffer enhancement is provided in another location on-site.

## STAFF RECOMMENDED STIPULATIONS

### A. DESIGN AND LAND USE CONDITIONS:

1. All roof mounted HVAC equipment shall be screened from view from adjacent roadways and residential uses. Screening shall consist of similar colors and materials consistent with the construction of the exterior finish of the buildings. Details of screening shall be submitted with the Final Site Plan.

2. All dumpsters screening shall consist of building materials and colors matching the principal building on site.

3. The Final Site Plan shall not be issued until the Plan Amendment becomes effective.

### B. ENVIRONMENTAL CONDITIONS:

1. A copy of the Environmental Resource Permit (ERP) approved by SWFWMD shall be submitted to the Environmental Planning Division for review prior to Final Site Plan approval.

2. Tree barricades for trees to be preserved shall be located at the drip line, unless approved by the Environmental Planning Division. The drip line shall be defined as the outer branch edge of the tree canopy. The area within the drip line shall remain undisturbed. The following activities are prohibited within the drip line of preserved trees: machinery and vehicle travel or parking; underground utilities; filling or excavation; storage of construction materials. Tree protection methodology shall be approved with the Final Site Plan.

3. The developer shall provide an updated study, consistent with Policy 3.3.2.3 of the Comprehensive Plan, for threatened and endangered plant and animal species prior to Final Site Plan approval. A Management Plan, approved by the appropriate State or federal agency, shall be provided to the Planning Department for any listed species found on-site, prior to Final Site Plan approval.

4. A Well Management Plan for the proper protection and abandonment of existing wells shall be submitted to the Environmental Planning Division 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.

**C. HEALTH DEPARTMENT:**

1. Prior to Final Site Plan approval, a 75 foot separation is required and shall be provided between any private potable well (including neighboring parcels) and septic system.

2. Prior to Final Site Plan approval, a 15 foot separation is required between septic system and storm swale.

**REMAINING ISSUES OF CONCERN – NOT RESOLVED OR STIPULATED**

None.

**COMPLIANCE WITH LDC**

| Standard(s) Required | Design Proposal | Compliance | | Comments |
|---|---|---|---|---|
| | | Y | N | |
| **BUFFERS** | | | | |
| 10' wide along S.R. 70 East | 10' | Y | | |
| 15' wide along perimeters | 15' | Y | | |
| Buffer Landscaping | Yes | Y | | Meets or exceeds minimum standards. |
| **SIDEWALKS** | | | | |
| 5' sidewalk, exterior | Not proposed | Y | | No sidewalks required for this segment of S.R.70. |
| **ROADS & RIGHTS-OF-WAY** | | | | |
| 24' Internal driveways (one and two-way) | 30' and 36' | Y | | |
| Dedicate ROW on S.R. 70 E. | | Y | | No dedication on S.R. 70 required. |

**COMPLIANCE WITH THE LAND DEVELOPMENT CODE**
**Factors for Reviewing Proposed Site Plans (Section 508.6)**
**Planned Districts - Rezone Review Criteria (Section 603.4)**

**Physical Characteristics:**

A part of the 1.20± acre site is vacant. There are 0.13± acres of wetlands on the site. 0.05± acres of wetlands will be impacted.

**Public Utilities, Facilities and Services:**

The site is not in a serviced area of the County. The site will utilize a well and septic tank system.

**Major Transportation Facilities:**

The site has frontage along S.R.70, a two lane arterial roadway.

**Compatibility:**

The site is in an area where there is a mix of uses. In addition to the agricultural properties and residences, the Myakka City neighborhood has an elementary school, church, professional offices, and a convenience store with gas pumps. The proposed use will provide convenience for nearby residents, motorists, and visitors to the area. Planned Development allows the Board to attach stipulations to ensure the project is compatible with the surrounding zoning.

**Transitions:**

The site meets commercial locational criteria and is eligible to be considered for a commercial use because it is within 1,640 feet of two functionally classified roadways.

**Design Quality:**

The applicant proposes a one-story, 9,002 square foot building for commercial retail use. The building is situated approximately 20 feet from the southern boundary. Parking spaces are north and east of the building. The designated loading area is in the southeast part of the site. A 36-foot wide driveway connects S.R.70.

**Relationship to Adjacent Property:**

The site is on the south side of S.R. 70 in Myakka City. To the north, across S.R. 70 is vacant land zoned NC-M (Neighborhood Commercial –Medium). To the south and west is vacant land zoned A-1 (Suburban Agriculture) and VIL (Village). To the east, is an abandoned burnt-out single-family residence zoned VIL.

**Streets, Drives, Parking and Service Areas:**

No new streets are proposed. There is a 30-foot and two 36-foot wide driveways which are designed to allow for maneuverability of large trucks visiting the site. 36 parking spaces are required and being provided in accordance with parking requirements in LDC Section 710. The required 15'x35' loading area is shown in the southern part of the site.

**Access:**

The site plan shows one access point connecting S.R. 70.

**Pedestrian Systems:**

There are no sidewalks existing, proposed or required along this segment of S.R.70.

**Natural and Historic Features, Conservation and Preservation Areas:**

There are no known historic or archaeological resources or existing trees on the site. 44% open space is proposed.

**Intensity:**

A 0.17 Floor Area Ratio (FAR) is below the maximum 0.23 FAR threshold for the RES-1 and RES-3 FLUCs.

**Height:**

The site plan indicates a maximum building height of 35 feet.

**Fences and Screening:**

A 15-foot wide perimeter landscaped buffer is proposed along the south, east and west property lines. A 10-foot wide landscaped roadway buffer is proposed along S.R.70 East.

**Yards and Setbacks:**

The minimum setbacks for the project in PDC zoning district are shown in the chart below:

| Type | Front | Side | Rear |
|---|---|---|---|
| | 30' | 15' | 20' |

**Trash and Utility Plant Screens:**

LDC Section 728 requires non-residential establishments to have dumpsters and compactors. The design shows the dumpster in the southern part of the site. Location of services, screening and construction requirements will be reviewed with the future Final Site Plans.

**Signs:**

Signs will be reviewed with the future Building Permit.

**Landscaping:**

Tree replacement details will be reviewed and approved with the Final Site Plan and will be in accordance with LDC Section 714. Pursuant to staff's recommendation, the applicant is requesting Specific Approval for an alternative to LDC Section 714.8.7 to allow replacement tree sizes in line with proposed LDC amendments to the Landscaping Section of the LDC.

## COMPLIANCE WITH THE COMPREHENSIVE PLAN

**The site is in the RES-1, and RES-3 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 a mix of agricultural, residential, and commercial uses.

1) **The Manatee Comprehensive Plan designates 0.31± acres as RES-1.**

   **Policy 2.2.1.9.1. Intent.** The intent of the RES-1 FLUC is to identify areas established for a low density suburban residential environment or a clustererd low density urban residential environment.

   **Policy 2.2.1.9.2 Range of Potential Uses.** Suburban or urban residential uses, neighborhood retail uses, short term agricultural uses, agriculturally-compatible residential uses, farmworker housing, public or semi-public uses, schools, low intensity recreational uses, and appropriate water-dependent/water-related/water-enhanced uses.

   **Policy 2.2.1.9.3 Range of Potential Density/Intensity:** The maximum Floor Area Ratio for RES-1 is 0.23. A FAR of 0.17 is proposed

2) **The Manatee Comprehensive Plan designates 0.89± acres as RES-3.**

   **Policy 2.2.1.10.1 Intent.** The intent of the RES-3 FLUC is to identify areas established for a moderate-density suburban, or a clustered low density urban, residential environment.

   **Policy 2.2.1.10.2 Range of Potential Uses.** 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.

**Policy 2.2.1.10.3 Range of Potential Density/Intensity:** The maximum floor area ratio for RES-3 is 0.23. A floor area ratio of 0.17 is proposed.

**Policy 2.6.1.1 Compatibility.** The proposed design and use are compatible with surrounding developments.

**Policy 2.6.5.4 Preserve/Protect Open Space.**
The site plan shows 44% open space. 20% open space is required.

## CONCURRENCY

**CLOS APPLIED FOR: Yes**
**TRAFFIC STUDY REQ'D: Yes**

| NEAREST ROADWAY | LINK(S) | ADOPTED LOS | IMPROVEMENTS REQUIRED Y/N |
|---|---|---|---|
| S.R.70 East | S.R.70 from C.R. 675 to Desoto County Line – Link #3140 | B | N |

**REQUIRED IMPROVEMENTS: No improvements required as this project will have minimal impact on the roadway network.**

**Wastewater and potable water to be determined with FSP/Construction Plans**

## SPECIFIC APPROVALS – ANALYSES, RECOMMENDATIONS, FINDINGS

**Sections 603.3 of the Land Development Code (LDC) allows the Board of County Commissioners to make specific modifications to the general zoning and subdivision regulations, where the Board of County Commissioners makes a written finding that the public purpose of the regulations is satisfied to an equivalent or greater degree.**

1. **Request:**

   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, they provide more tree canopy sooner. The LDC is slated to reflect the smaller replacement tree sizes with the upcoming amendment to Section 714 – Tree Protection.

**Finding for Specific 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.

**ATTACHMENTS**

1. **Applicable Comprehensive Plan Policies**
2. **Request for Specific Approval**
3. **Zoning Disclosure Affidavit**
4. **Copy of Newspaper Advertising**

| APPLICABLE COMP PLAN POLICIES | | |
|---|---|---|
| Policy: | 2.1.2.7 | Review all proposed development for compatibility and appropriate timing. This analysis shall include:<br><br>- consideration of existing development patterns,<br>- types of land uses,<br>- transition between land uses,<br>- density and intensity of land uses,<br>- natural features,<br>- approved development in the area,<br>- availability of adequate roadways,<br>- adequate centralized water and sewer facilities,<br>- other necessary infrastructure and services.<br>- limiting urban sprawl<br>- applicable specific area plans<br>- (See also policies under Objs. 2.6.1 - 2.6.3) |
| Policy: | 2.2.1.9 | **RES-1:** Establish the Residential-1 Dwelling Unit/Gross Acre future land use category as follows: |
| Policy: | 2.2.1.9.1 | 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 suburban residential environment, or a clustered low density urban residential environment where appropriate, and which may be utilized for compatible agricultural activities in the short-term, while recognizing that suburban or clustered urban uses are the preferred long-term land use for these areas. Also, to provide for a complement of residential support uses normally utilized during the daily activities of residents of these suburban or urban areas. |
| Policy: | 2.2.1.9.2 | 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, agriculturally-compatible residential uses, farmworker housing, 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: | 2.2.1.9.3 | Range of Potential Density/Intensity:<br><br>Maximum Gross Residential Density:<br>1 dwelling unit per acre |

| | | |
|---|---|---|
| | | Maximum Net Residential Density:<br>2 dwelling units per acre<br>or<br>6 dwelling units per acres (see 2.2.1.9.4(b) and (c) for explanation)<br><br>Maximum Floor Area Ratio:<br>0.23 (0.35 for mini-warehouse uses only)<br><br>Maximum Square Footage for Neighborhood Retail Uses: Medium (150,000sf) |
| Policy: | 2.2.1.9.4 | Other Information:<br><br>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.<br><br>b) Maximum net residential density within areas which are predominantly developed at a net residential density of 2 du/ga or less, or where existing development has not utilized "clustering" to achieve a net density which is significantly greater than gross density, shall be limited to a 2 dwelling units/acre on any part, or all, of a proposed project.<br><br>c) Maximum net residential density within areas which are generally undeveloped, or which have experienced development which has predominantly utilized "clustering" to achieve net densities which are significantly greater than gross densities of the same projects(s), shall be limited to 6 dwelling units per acre on any part, or all of any proposed project. Net densities greater than 6 dwelling units per net acre may be considered within the WO (Evers) or CHHA Overlay Districts, pursuant to policies 2.3.1.5 and 4.3.1.5, to maximize protection of natural resources and to maximize reserved open space.<br>d) Any project containing any net density in excess of 1 dwelling unit per acre shall require special approval.<br><br>e) Any nonresidential project exceeding 30,000 square feet of gross building area shall require special approval. |

| | | |
|---|---|---|
| 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 | Range of Potential Density/Intensity:<br><br>Maximum Gross Residential Density:<br>3 dwelling units per acre<br><br>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"<br><br>Maximum Net Residential Density:<br>6 dwelling units per acre<br><br>9 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 2.3.1.5 and 4.3.1.5)<br><br>Maximum Floor Area Ratio:<br>0.23 (0.35 for mini-warehouse uses only)<br>1.00 inside the CRA's and UIRA<br><br>Maximum Square Footage for Neighborhood Retail Uses: Medium (150,000sf) |

| | | |
|---|---|---|
| Policy: | 2.2.1.10.4 | Other Information:<br><br>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.<br><br>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.<br><br>c) Any nonresidential project exceeding 30,000 square feet of gross building area shall require special approval. |
| 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:<br><br>- use of undisturbed or undeveloped and landscaped buffers<br><br>- use of increased size and opacity of screening<br><br>- increased setbacks<br><br>- innovative site design (which may include planned development review)<br><br>- appropriate building design<br><br>- limits on duration/operation of uses<br><br>- noise attenuation techniques<br><br>- limits on density and/or intensity [see policy 2.6.1.3]<br><br>Implementation Mechanism(s):<br><br>a) Maintain setback, screening, buffering, and other appropriate mitigation techniques in land development regulations. |

| | | |
|---|---|---|
| | | b) Planning Department review of development approvals to ensure policy compliance. |
| Policy: | 2.6.1.2 | Require the use of planned unit development, in conjunction with the mitigation techniques described in policy 2.6.1.1, for projects where project size requires the submittal of a site development plan in conformance with the special approval process in order to achieve compatibility between these large projects and adjacent existing and future land uses. |
| Policy: | 2.6.2.1 | Limit location of new residential development and residential support uses adjacent to intensive and incompatible agricultural operations. |
| Policy: | 2.10.3.2 | Require that all proposed small and medium commercial uses can be directly accessed from at least one roadway shown on the Roadway Functional Classification Map as collector or higher, at time of issuance of a development order. An exception shall be made for neotraditional projects that have commercial uses located internally to the project and whose main project access is located on a road designated as a collector or higher. An exception shall be made for DRI's and Large Project developments that have mixed uses with a residential component and meet minimum development characteristics to have commercial uses located internally to neighborhoods if the main neighborhood access is located on a road designated as a collector or higher. |
| Policy: | 2.10.3.4 | Permit exceptions to Policies 2.10.3.2 and 2.10.3.3 only in instances where required access criteria are conflicting with other access criteria associated with an Entranceway, as described in Policies 2.9.4.1 & 2.9.4.2 and in Urban Core Areas where access on a local road provides a safer alternative than direct access to the functionally classified roadway, or within the MU-C Future Land Use Category and its Sub Areas. |

AVIDGROUP.COM

**AVID Group®**
2300 Curlew Road, STE 201
Palm Harbor, Florida 34683
Phone (727) 789-9500
Fax (727) 787-4306

January 19, 2012

Board of County Commissioners
1112 Manatee Ave West
Bradenton, FL 34205
(941) 748-4501

**Re: Myakka City Dollar General**
**Specific Approval**

Dear Commissioners,

As part of our application we would like to formally request a Specific Approval for an alternative to Section 714.8.7 of the LDC. This approval will allow us to install smaller diameter trees that will have a shorter timeframe for establishment.

Sincerely,
**AVID Group**

Richard Tommell, P.E.
Project Manager

cc: AEI File 072-036
William Lloyd – RKM Corp.

PDC-11-15(2)(P)

# MANATEE COUNTY GOVERNMENT
# BUILDING & DEVELOPMENT SERVICES DEPARTMENT
# ZONING DISCLOSURE AFFIDAVIT

Project name: Myakka City Dollar General

The Manatee County Land Development Code 90-01, as amended requires that all applications for Zoning Atlas Amendments shall include public disclosure of applicants and their percentage of interest.

If the property is owned by a CORPORATION, list the principal officers and principal stockholders and the percentage of stock owned by each.

If the property is in the name of a TRUSTEE, list the beneficiaries of the trust with percentage of interest.

If the property is in the name of a PARTNERSHIP or LIMITED PARTNERSHIP, list the name of the principals below, including general and limited partners.

If there is a CONTRACT FOR PURCHASE, whether contingent on this application or not, and whether a Corporation, Trustee, or Partnership, list the names of the contract purchasers below, including the principal officers, stockholders, beneficiaries, or partners. If any contingency clause or contract terms involve additional parties, list all individuals or officers, if a corporation, partnership, or trust. This is in addition to the list of owners.

FOR ANY CHANGES OF OWNERSHIP OR CHANGES IN CONTRACTS FOR PURCHASE SUBSEQUENT TO THE DATE OF THE APPLICATION, BUT PRIOR TO THE DATE OF FINAL PUBLIC HEARING, A SUPPLEMENTAL DISCLOSURE OF INTEREST SHALL BE FILED.

Disclosure shall not be required of any entity whose interests are solely equity interest which are regularly traded on an established securities market in the United State or another country.

| NAME, ADDRESS AND OFFICER<br>Check if owner ( ) or contract purchaser ( ) | PERCENTAGE<br>STOCK, INTEREST OR OWNERSHIP |
|---|---|
| Robert R&R Properties | Robert Smithers |
| RKM Development | Bill Lloyd |
| | |

Under penalties of perjury, I declare that I have read the foregoing affidavit and that the facts stated in it are true.

Signature: [signature]

(Applicant): _____

STATE OF FLORIDA
COUNTY OF Sarasota

The foregoing instrument was sworn to (or affirmed) and subscribed before me this 4th day of August 2011 by Robert L. Smithers, who is personally known to me or who has produced FL DL # S536-772-47-348-0 as identification.
(type of identification)

[signature]
Notary Signature

My Commission Expires: April 2, 2012

Melissa Bradley
Print or type name of Notary

Commission No: DD774991

Notary
Title or Rank

Revised 2/8/10
B-4

MELISSA BRADLEY
MY COMMISSION # DD774991
EXPIRES April 02, 2012
(407) 398-0153 FloridaNotaryService.com

## MANATEE COUNTY BUILDING & DEVELOPMENT SERVICES DEPARTMENT
## AFFIDAVIT OF OWNERSHIP/AGENT AUTHORIZATION AFFIDAVIT

Property Owner (Company or individual) *(print)*: R AND R PROPERTIES LLC

Mailing Address *(print)*: 2151 WELLS AVE, SARASOTA, FL 34232-3909

Officer's Name and Title *(print)*: ROBERT L SMITHERS, MEMBER/MANAGER

*Being first duly sworn, depose(s) and say(s):*

1. That I am (we are) the owner's and record title holder(s) of the following described property legal description, to wit: 1.29 acres, m.o.l. located the south side of S.R. 70, west of Carlton Avenue (Parcel No. 184630002, physical address 36750 SR 70 E, Myakka City, FL 34251)

2. That this property constitutes the property for which a request for PDC rezoning, PSP, FSP and any other land development applications required to permit an approx. 9,100 sq.ft. retail store at this location.

*(Type of Application Approval Requested)*

Is being applied for to Manatee County, Florida;

3. That the undersigned has (have) appointed and does (do) appoint AVID Group (AVID Engineering Inc.) and R.K.M. Development Corp. as agent(s) to execute any petitions or other documents necessary to affect such petition; and request that you accept my agent(s) signature as representing my agreement of all terms and conditions of the approval process;

4. That this affidavit has been executed to induce Manatee County, Florida to consider and act on the foregoing request;

5. That I, (we) the undersigned authority, hereby certify that the foregoing is true and correct.

Robert L Smithers / 8/4/11

*Owner's Signature/Print Title*

/

*Owner's Signature/Print Title*

STATE OF FLORIDA
COUNTY OF **MANATEE**

**The foregoing instrument was acknowledged before me this** August 4 2011 **by** *(date)*

Robert L. Smithers **who is personally known to me or who** *(name of person acknowledging)*

**has produced** FL DL #S536-772-47-348-0 **as identification.** *(type of identification)*

*My Commission Expires:* April 2, 2012

Signature of Person Taking Acknowledgment

Melissa Bradley
Name

Notary
Title or Rank

Rev 2/8/10 B2

MELISSA BRADLEY
MISSION # DD774991
EXPIRES April 02, 2012
(407) 398-0153 FloridaNotaryService.com

July 27, 2011

**LETTER OF AUTHORIZATION**

To Whom It May Concern:

This letter does authorize Mr. William C. Lloyd of R.K.M. Development Corp., Faber Widdows Hiatt Architects, Inc. and Civil Engineers as appointed by R.K.M. Development Corp., to act as my agents. They shall be the authorized agents for and with the following regulatory agencies, departments and their personnel:

- Florida Department of Environmental Protection
- Southwest Florida Water Management District
- Manatee County Government
- Florida Department of Transportation
- Florida Power Corporation or applicable utility provider
- Any other utilities or agencies necessary for developing the proposed project

This authorization is given in an effort to receive all approvals necessary for the construction and development of a Dollar General Store located in Myakka City, Florida.

R and R Properties, LLC

By: _____
Robert L. Smithers

Title: OWNER
Member/Manager

The foregoing instrument was acknowledged before me this 4th day of ~~July~~, Aug August 2011, by Robert L. Smithers, who is personally known to me or produced FL DL S536-772-47-348-0 as identification.

My commission expires: April 2, 2012

_____
Notary Public

MELISSA BRADLEY
MY COMMISSION # DD774991
EXPIRES April 02, 2012
(407) 398-0153 FloridaNotaryService.com

# MANATEE COUNTY GOVERNMENT
# BUILDING & DEVELOPMENT SERVICES DEPARTMENT
# ZONING DISCLOSURE AFFIDAVIT

Project name: Myakka City Dollar General

The Manatee County Land Development Code 90-01, as amended requires that all applications for Zoning Atlas Amendments shall include public disclosure of applicants and their percentage of interest.

If the property is owned by a CORPORATION, list the principal officers and principal stockholders and the percentage of stock owned by each.

If the property is in the name of a TRUSTEE, list the beneficiaries of the trust with percentage of interest.

If the property is in the name of a PARTNERSHIP or LIMITED PARTNERSHIP, list the name of the principals below, including general and limited partners.

If there is a CONTRACT FOR PURCHASE, whether contingent on this application or not, and whether a Corporation, Trustee, or Partnership, list the names of the contract purchasers below, including the principal officers, stockholders, beneficiaries, or partners. If any contingency clause or contract terms involve additional parties, list all individuals or officers, if a corporation, partnership, or trust. This is in addition to the list of owners.

FOR ANY CHANGES OF OWNERSHIP OR CHANGES IN CONTRACTS FOR PURCHASE SUBSEQUENT TO THE DATE OF THE APPLICATION, BUT PRIOR TO THE DATE OF FINAL PUBLIC HEARING, A SUPPLEMENTAL DISCLOSURE OF INTEREST SHALL BE FILED.

Disclosure shall not be required of any entity whose interests are solely equity interest which are regularly traded on an established securities market in the United State or another country.

| NAME, ADDRESS AND OFFICER | PERCENTAGE STOCK, INTEREST OR OWNERSHIP |
|---|---|
| Check if owner ( ) or contract purchaser ( ) | |
| | |
| | |
| | |

Under penalties of perjury, I declare that I have read the foregoing affidavit and that the facts stated in it are true.

Signature: _____

(Applicant): WILLIAM C. LLOYD

STATE OF FLORIDA
COUNTY OF PINELLAS

The foregoing instrument was sworn to (or affirmed) and subscribed before me this 27TH day of JULY 2011 by WILLIAM C. LLOYD, who is personally known to me or who has produced _____ as identification.
(type of identification)

Notary Signature

My Commission Expires: JULY 13, 2012

SARA K. WARD
Print or type name of Notary

Commission No: DD 805105

NOTARY
Title or Rank

Revised 2/8/10
B-4

SARA K. WARD
Commission DD 805105
Expires July 13, 2012
Bonded Thru Troy Fain Insurance 800-385-7019

# AGENT AUTHORIZATION FORM

Contract Purchaser:
R.K.M. Development Corp.
ATTN: William C. Lloyd, President
147 2nd Avenue South, Suite 400
Saint Petersburg, FL 33701

Agent(s) Authorized to Secure Permit:
Avid Group
ATTN: Rick Tommell, P.E. & Peter Pensa, AICP
2300 Curlew Road, Suite 201
Palm Harbor, FL 34683

I hereby designate and authorize the agents listed above to act on my behalf, or on behalf of my corporation, as the agents in the processing of this application for the permit and/or proprietary authorization indicated above; and to furnish, on request, supplemental information in support of the application. In addition, I authorize the above-listed agents to bind me, or my corporation, to perform any requirement which may be necessary to procure the permit or authorization indicated above. I understand that knowingly making any false statement or representation in this application is a violation of Section 373.430, F.S. and 18 U.S.C. Section 1001.

William C. Lloyd
Typed / Printed Name of Applicant

Signature of Applicant/Agent

7/27/11
Date

President
(Corporate Title if applicable)

Note: The above statement is based on SFWMD Form 0971 Section A (08/2007) page 4 of 4

# Copy of Newspaper Advertising

## Bradenton Herald

**NOTICE OF ZONING CHANGES IN UNINCORPORATED MANATEE COUNTY**

OTICE IS HEREBY GIVEN, at the **Planning Commission Manatee County will con- ıct a Public Hearing on ıursday, February 9, 2012 at 00 a.m. at the Manatee ounty Government dministrative Center, 1st oor Chambers, 1112 Manatee venue West, Bradenton, orida** to consider, act upon, ıd forward a recommendation the Board of County ommissioners on the following atters:

**DA-09-03 (R) - FIRST MENDMENT TO LOCAL EVELOPMENT AGREEMENT OR SILVERLEAF EVELOPMENT**

equest: Approval of a an ıendment to a Local evelopment Agreement pro- ding for the issuance of a cer- icate of level of service com- iance which will not extend eyond June 10, 2023; provid- g for dedication of right-of- ay and the payment of a pro- ortionate share of the cost to itigate impacts on public ıcilities; providing for design, ermitting and construction of oject entrance improvements cluding turn lanes; providing r severability, and providing r an effective date. The ocal Development Agreement oplies to Silverleaf for which oproval is sought pursuant to ending application known as DR-11-14(G) (263.35 ± acres). ıe proposed use of the prop- ties is residential develop- ent. Pursuant to the pending oning request, Silverleaf is eking approval for 732 single ımily detached residential ıits, each with a maximum eight of 35 feet.

**DMU-11-13(G) – MEDALLION OME AT FT. HAMER, LC/WAYNE UNDERHILL / ROSSCREEK**

TS#20110204)

n Ordinance of the Board of ounty Commissioners of ıanatee County, Florida, ıgarding land development, pproving a General evelopment Plan for 1,282 ısidential units (702 single- ımily detached (197 platted), 4 single-family attached, 156 ngle-family semi-detached, nd 250 multi-family units) on pproximately 656± acres on ıe east side of Ft. Hamer oad, south side of Golf ourse Road, and north of ulholland Road; subject to ipulations as conditions of oproval; setting forth findings; oviding a legal description; oviding for severability, and oviding an effective date.

**PDC-11-15(Z)(P) – R & R PROPERTIES, LLC / MYAKKA DOLLAR GENERAL**

An Ordinance of the Board of County Commissioners of Manatee County, Florida, regarding land development, amending the official zoning atlas (Ordinance No. 90-01, the Manatee County Land Development Code) relating to zoning within the unincorporated area; providing for the rezoning of approximately 1.2 acres on the south side of S.R.70 East, approximately _ mile west of Wauchula Road, at 36750 S.R.70 East Myakka; from the VIL (Village) and A-1 (Suburban Agriculture) zoning districts to PDC (Planned Development Commercial) zoning district; approving a Preliminary Site Plan for a 9,002 square foot Commercial Retail Establishment; subject to stipulations as conditions of approval; setting forth findings; providing for severability; providing a legal description, and providing an effective date.

**PDR-12-01(P) - B&H CATTLE COMPANY/CHARTER SCHOOL, USA**

An Ordinance of the Board of County Commissioners of Manatee County, Florida, regarding land development, approving a Preliminary Site Plan for a 76,438 square foot Elementary and Middle Charter School with associated low intensity recreational uses on the east side of U.S. 301 and west side of 30th Street East, approximately 1,809 feet south of 38th Avenue East, and 393 feet south of the proposed 44th Avenue East, at 4550 30th Street East, Bradenton; subject to stipulations as conditions of approval; setting forth findings; providing for severability; providing a legal description, and providing an effective date.

All interested parties are invited to appear at this public hearing and be heard, subject to proper rules of conduct. Additionally, any written comments filed with the Director of the Building and Development Services Department will be heard and considered by the Planning Commission and entered into the record.

It is important that all parties present their concerns to the Planning Commission in as much detail as possible. The issues identified at the Planning Commission hearing will be the primary basis for the final decision by the Board of County Commissioners. Interested par ties may examine the Official Zoning Atlas, the applications related documents, and may obtain assistance regarding these matters from the Manatee County Building and Development Services Department, 1112 Manatee Avenue West, 2nd Floor, Bradenton, Florida, telephone number (941) 748-4501x6878; e-mail to: planning.agenda@mymanatee.o rg

According to Section 286.0105, Florida Statutes, if a person decides to appeal any decision made with respect to any matters considered at such meetings or hearings, he or she will need a record of the proceedings, and for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record would include any testimony or evidence upon which the appeal is to be based.

**Americans With Disabilities:** The Board of County Commissioners of Manatee County does not discriminate upon the basis of any individual's disability status. This non-discrimination policy involves every aspect of the Board's functions including one's access to and participation in public hearings. Anyone requiring reasonable accommodation for this meeting as provided for in the ADA, should contact Kaycee Ellis at 742-5800; TDD ONLY 742-5802 and wait 60 seconds, or FAX 745-3790.

THIS HEARING MAY BE CONTINUED FROM TIME TO TIME PENDING ADJOURNMENTS.
MANATEE COUNTY PLANNING COMMISSION
Manatee County Building and Development Services Department
Manatee County, Florida
**01/25/2012**

## Sarasota Herald Tribune

**NOTICE OF ZONING CHANGES IN UNINCORPORATED MANATEE COUNTY**

NOTICE IS HEREBY GIVEN, that the Planning Commission of Manatee County will conduct a Public Hearing on Thursday, February 9, 2012 at 9:00 a.m. at the Manatee County Government Administrative Center, 1st Floor Chambers, 1112 Manatee Avenue West, Bradenton, Florida to consider, act upon, and forward a recommendation to the Board of County Commissioners on the following matters:

LDA-09-03 (R) - FIRST AMENDMENT TO LOCAL DEVELOPMENT AGREEMENT FOR SILVERLEAF DEVELOPMENT
Request: Approval of a an Amendment to a Local Development Agreement providing for the issuance of a certificate of level of service compliance which will not extend beyond June 10, 2023; providing for dedication of right-of-way and the payment of a proportionate share of the cost to mitigate impacts on public facilities; providing for design, permitting and construction of project entrance improvements including turn lanes; providing for severability, and providing for an effective date. The Local Development Agreement applies to Silverleaf for which approval is sought pursuant to pending application known as PDR-11-14(G) (263.35 ± acres). The proposed use of the properties is residential development. Pursuant to the pending zoning request, Silverleaf is seeking approval for 732 single family detached residential units, each with a maximum height of 35 feet.

PDMU-11-13(G) – MEDALLION HOME AT FT. HAMER, LLC/WAYNE UNDERHILL/CROSSCREEK (DTS#20110204)
An Ordinance of the Board of County Commissioners of Manatee County, Florida, regarding land development, approving a General Development Plan for 1,282 residential units (702 single-family detached (197 platted), 174 single-family attached, 156 single-family semi-detached, and 250 multi-family units) on approximately 656± acres on the east side of Ft. Hamer Road, south side of Golf Course Road, and north of Mulholland Road; subject to stipulations as conditions of approval; setting forth findings; providing a legal description; providing for severability, and providing an effective date.

PDC-11-15(Z)(P) – R & R PROPERTIES, LLC/MYAKKA DOLLAR GENERAL
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All interested parties are invited to appear at this public hearing and be heard, subject to proper rules of conduct. Additionally, any written comments filed with the Director of the Building and Development Services Department will be heard and considered by the Planning Commission and entered into the record.

It is important that all parties present their concerns to the Planning Commission in as much detail as possible. The issues identified at the Planning Commission hearing will be the primary basis for the final decision by the Board of County Commissioners. Interested parties may examine the Official Zoning Atlas, the applications, related documents, and may obtain assistance regarding these matters from the Manatee County Building and Development Services Department, 1112 Manatee Avenue West, 2nd Floor, Bradenton, Florida, telephone number (941) 748-4501x6878; e-mail to: planning.agenda@mymanatee.org

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THIS HEARING MAY BE CONTINUED FROM TIME TO TIME PENDING ADJOURNMENTS.
MANATEE COUNTY PLANNING COMMISSION
Manatee County Building and Development Services Department
Manatee County, Florida

Date Pub: January 25, 2012

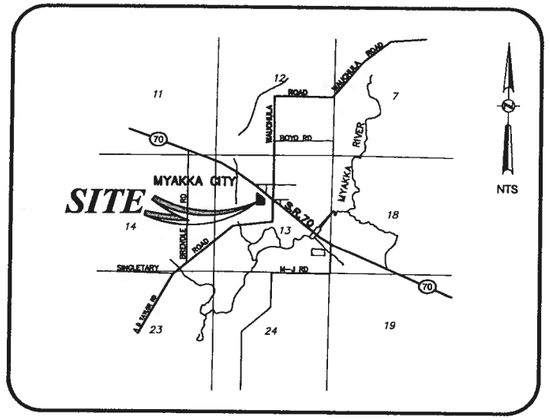
# PRELIMINARY SITE PLANS

## FOR

# MYAKKA DOLLAR GENERAL

## SECTION 13, TOWNSHIP 36 SOUTH, RANGE 21 EAST
## MANATEE COUNTY, FLORIDA

### LOCATION MAP




### MAP REFERENCES

BOUNDARY AND TOPOGRAPHIC SURVEY

INFORMATION TAKEN FROM "BOUNDARY AND TOPOGRAPHIC SURVEY FOR MYAKKA DOLLAR GENERAL PREPARED BY LEO MILLS PLS, OF LEO MILLS & ASSOCIATES DATED 08/30/2011.

### PROFESSIONAL TEAM

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PALM HARBOR, FLORIDA 34683
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AVID GROUP
2300 CURLEW ROAD SUITE 201
PALM HARBOR, FLORIDA 34683
PHONE: (727) 789-9500

**GEOTECHNICAL ENGINEER:**
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PHONE: (813) 621-8168

**ARCHITECT:**
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3336 GRAND BOULEVARD, SUITE 102
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PHONE: (727) 815-3336

**SURVEYOR:**
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620 8TH AVENUE WEST
PALMETTO, FL 34221
PHONE: (941) 722-2460

**LANDSCAPE ARCHITECT:**
ROBERT FINNEGAN + LANDSCAPE ARCHITECT
13554 LAKE MAGDALENE DR.
TAMPA, FLORIDA 33613
PHONE: (813) 765-9111

### UTILITY COMPANIES

GAS:
TECO PEOPLES GAS
1555 STATE STREET
SARASOTA, FLORIDA 34236
CONTACT: RAY BRAND
PHONE: (941) 363-4230

TELEPHONE:
GTE
5631 26TH STREET WEST
BRADENTON, FLORIDA 34205
CONTACT: LARRY BROOKS
PHONE: (941) 753-1844

CABLE:
TIME WARNER
4597 15TH STREET EAST
BRADENTON, FLORIDA 34203
CONTACT: FRED MOSER
PHONE: (941) 752-1540

POWER:
FLORIDA POWER & LIGHT CO.
1851 WHITFIELD AVENUE
SARASOTA, FLORIDA 34243
CONTACT: JERRY JONES
PHONE: (941) 739-3310

SEPTIC SEWER:
ENVIRONMENTAL HEALTH SERVICES, MANATEE
COUNTY HEALTH DEPARTMENT
CONTACT: MS. TERRI STRIPLING,
PHONE: (941) 748-0747 EXT. 1415

WELL WATER:
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COUNTY HEALTH DEPARTMENT
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*Prepared For:*

## RKM DEVELOPMENT CORPORATION

147 2ND AVENUE SOUTH, SUITE 400
ST. PETERSBURG, FL 33701
PHONE: (727) 895-2150
FAX: (727) 821-5461

*Prepared By:*

AVID GROUP®

CIVIL ENGINEERING
LAND PLANNING
TRAFFIC/TRANSPORTATION
LANDSCAPE ARCHITECTURE
ENVIRONMENTAL SCIENCES
SURVEYING
GIS

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### PRELIMINARY PLAN INDEX


1 COVER
2 PRELIMINARY SITE PLAN
3 PRELIMINARY GRADING AND UTILITY PLAN
L1 LANDSCAPE PLAN
S SURVEY


### SITE DATA

**PROPERTY OWNER:**
R AND R PROPERTIES, LLC
2151 WELLS AVENUE
SARASOTA, FL 34232

**PROPERTY LOCATION:**
36750 S.R. 70 E
MYAKKA CITY, FL 34251

**PROPERTY FOLIO NUMBER:**
184630002

**LEGAL DESCRIPTION:**
SEE BOUNDARY SURVEY

**PROPERTY ZONING:**
ZONING DISTRICT: A-1, VIL

**PROPERTY LAND USE:**
ZONING DISTRICT: RES-1, RES-3

**BUILDING SETBACK REQUIREMENTS:**
FRONT: 30'/35'
SIDE: 15'
REAR: 20'

**BUFFER REQUIREMENTS:**
ROADWAY: 10' ALONG S.R. 70
PERIMETERS: 15' ADJACENT TO RESIDENTIAL
5' ADJACENT TO VEHICLE USE AREAS

**MAXIMUM BUILDING HEIGHT:**

| | ALLOWED | PROPOSED |
|---|---|---|
| HEIGHT: | 35' | <35' (ONE-STORY) |

**LOT COVERAGE CALCULATIONS:**

| | EXISTING | EXISTING | PROPOSED | PROPOSED |
|---|---|---|---|---|
| BUILDING AREA | 0.00 SF(0.000AC) | 0.00% | 9,002 SF(0.207AC) | 0.172% |
| PARKING & SIDEWALK AREA | 0.00 SF(0.000AC) | 0.00% | 20,175 SF(0.463AC) | 0.386% |
| TOTAL IMPERVIOUS AREA | 0.00 SF(0.000AC) | 0.00% | 29,177 SF(0.670AC) | 0.558% |
| TOTAL PERVIOUS AREA | 52,267 SF(1.200AC) | 100.00% | 23,090 SF(0.530AC) | 0.442% |
| TOTAL UPLANDS | 46,421 SF(1.066AC) | 88.82% | 46,540 SF(1.068AC) | 89.00% |
| TOTAL WETLANDS | 5,846 SF(0.134AC) | 11.18% | 5,727 SF(0.132AC) | 11.00% |
| TOTAL SITE AREA | 52,267 SF(1.200AC) | 100.00% | 52,267 SF(1.200AC) | 100.00% |

**MAXIMUM FLOOR AREA RATIO (FAR):** ALLOWED 0.23 PROPOSED 0.17

**OPEN SPACE:** PROPOSED 44.2%

**CONSTRUCTION SCHEDULE:** CONSTRUCTION WILL BEGIN NO EARLIER THAN MARCH 2012, AND BE COMPLETED BY AUGUST 2012

**PARKING (REQUIRED):**
1 PARKING SPACE PER 250 SF OF FLOOR AREA
9002 SF/250 = 36 SPACES REQUIRED
HC SPACES REQUIRED: 2
STANDARD STALL SIZE = 9' x 19'
HC STALL SIZE = 12' x 19'

**PARKING (PROPOSED):**
STANDARD PARKING SPACES = 34
HC SPACES = 2
TOTAL PARKING SPACES = 36

**FLOOD ZONE:**
THIS PROPERTY LIES IN FLOOD ZONE " X", AS PER FEDERAL EMERGENCY MANAGEMENT AGENCY FLOOD INSURANCE RATE MAP; COMMUNITY PANEL No. 120153 0475 C, DATED 07/15/92; SUBJECT TO VERIFICATION.

| NO. | DATE | DESCRIPTION | BY |
|---|---|---|---|
| 7 | | | |
| 6 | | | |
| 5 | | | |
| 4 | | | |
| 3 | | | |
| 2 | | | |
| 1 | 12/12/11 | REVISED PER MANATEE COUNTY | RMT |

REVISIONS

AVID GROUP IS HEREBY RELEASING THESE PLANS FOR CONSTRUCTION PER THE FOLLOWING PRINCIPAL AUTHORIZATION: _____

48 HOURS BEFORE YOU DIG
CALL SUNSHINE
1-800-432-4770
IT'S THE LAW IN FLORIDA
FL STATUTE 553.851 (1979) REQUIRES MIN. OF 2 DAYS AND MAX. OF 5 DAYS NOTICE BEFORE YOU EXCAVATE. FDOT MAINTENANCE YARD TO BE CONTACTED 72 HOURS PRIOR TO BEGINNING CONSTRUCTION.

MYAKKA DOLLAR GENERAL
AVID GROUP JOB # 072-036
DATE: AUGUST 2011

PDC-11-15(Z)(P)
20110274(2)
Myakka City Dollar General

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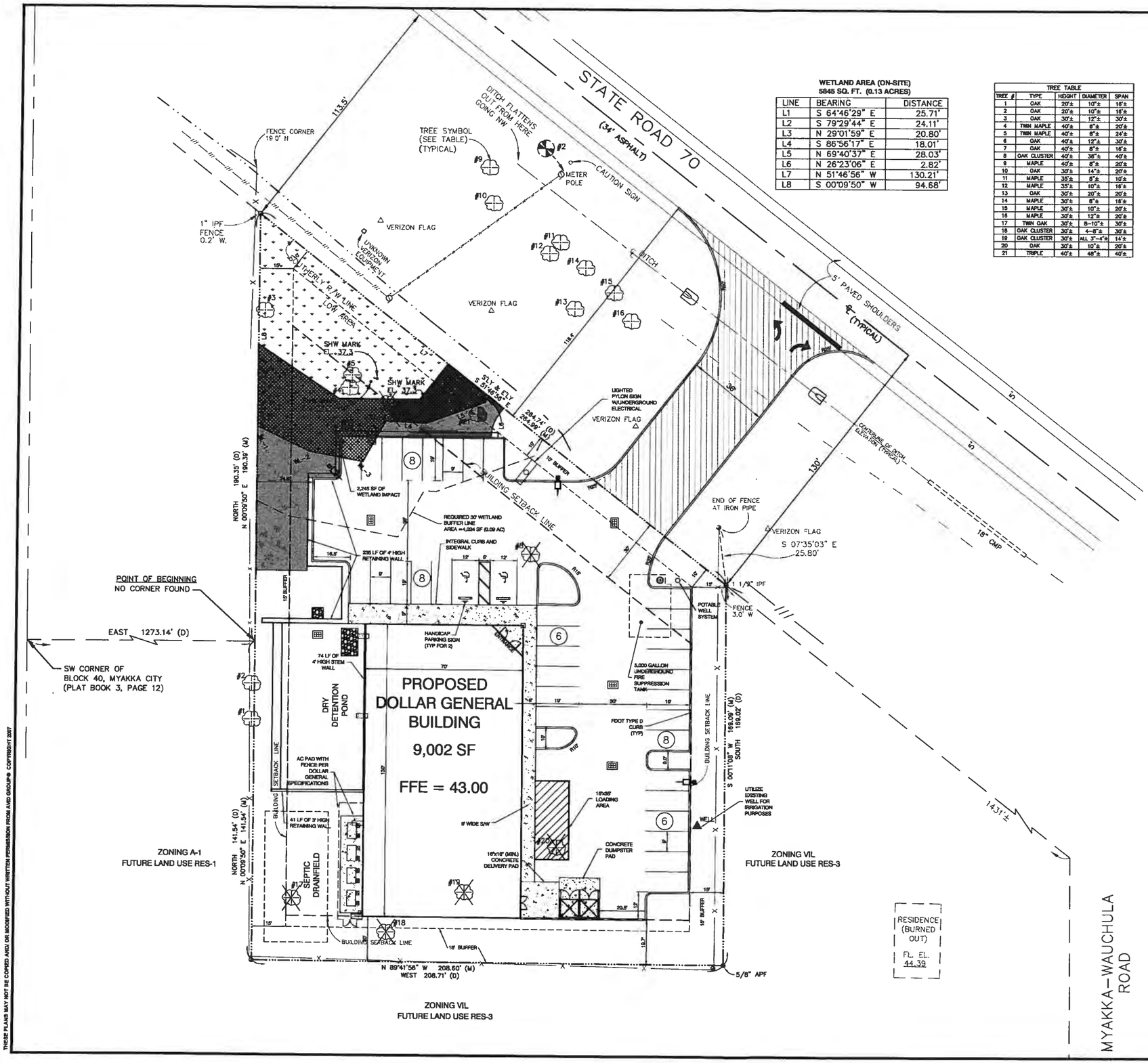


**WETLAND AREA (ON-SITE)**
**5845 SQ. FT. (0.13 ACRES)**

| LINE | BEARING | DISTANCE |
|---|---|---|
| L1 | S 64°46'29" E | 25.71' |
| L2 | S 79°29'44" E | 24.11' |
| L3 | N 29°01'59" E | 20.80' |
| L4 | S 86°56'17" E | 18.01' |
| L5 | N 69°40'37" E | 28.03' |
| L6 | N 26°23'06" E | 2.82' |
| L7 | N 51°46'56" W | 130.21' |
| L8 | S 00°09'50" W | 94.68' |

**TREE TABLE**

| TREE # | TYPE | HEIGHT | DIAMETER | SPAN |
|---|---|---|---|---|
| 1 | OAK | 20'± | 10"± | 16'± |
| 2 | OAK | 20'± | 10"± | 16'± |
| 3 | OAK | 30'± | 12"± | 30'± |
| 4 | TWIN MAPLE | 40'± | 8"± | 20'± |
| 5 | TWIN MAPLE | 40'± | 8"± | 24'± |
| 6 | OAK | 40'± | 12"± | 30'± |
| 7 | OAK | 40'± | 8"± | 16'± |
| 8 | OAK CLUSTER | 40'± | 36"± | 40'± |
| 9 | MAPLE | 40'± | 8"± | 20'± |
| 10 | OAK | 30'± | 14"± | 20'± |
| 11 | MAPLE | 35'± | 8"± | 10'± |
| 12 | MAPLE | 35'± | 10"± | 16'± |
| 13 | OAK | 30'± | 20"± | 20'± |
| 14 | MAPLE | 30'± | 8"± | 16'± |
| 15 | MAPLE | 30'± | 10"± | 20'± |
| 16 | MAPLE | 30'± | 12"± | 20'± |
| 17 | TWIN OAK | 30'± | 8–10"± | 30'± |
| 18 | OAK CLUSTER | 30'± | 4–8"± | 30'± |
| 19 | OAK CLUSTER | 30'± | ALL 3"–4"± | 14'± |
| 20 | OAK | 30'± | 10"± | 20'± |
| 21 | TRIPLE | 40'± | 48"± | 40'± |

## SITE LEGEND

- HANDICAP PARKING
- PROPOSED CURB
- SITE BOUNDARY LINE
- PROPOSED CONCRETE PAVEMENT
- FDOT PAVEMENT SECTION
- PROPOSED SITE LIGHTING FIXTURE
- TYP — TYPICAL
- HC — HANDICAP
- 10 — 10 PARKING SPACES
- S/W — SIDEWALK
- R5' — 5' RADIUS
- LF — LINEAR FEET
- SF — SQUARE FEET
- TREE TO REMAIN
- TREE TO BE REMOVED
- EXISTING WETLAND AREA ONSITE AREA - 5,846 SF (0.13 AC)
- PROPOSED WETLAND ENCROACHMENT AREA = 2,245 SF (0.05 AC)
- PROPOSED WETLAND BUFFER ENHANCEMENT AREA = 4,061 SF (0.09 AC)

## PROPOSED CONSTRUCTION NOTES:

1. ALL CURB RADII TO BE 3 FEET AND AT FACE OF CURB, UNLESS OTHERWISE NOTED.
2. ALL DIMENSIONS FOR INTERNAL PARKING LOTS ARE TO THE FACE OF CURB, UNLESS OTHERWISE NOTED.
3. CONCRETE SIDEWALK RAMPS SHALL BE INSTALLED ACCORDING TO F.D.O.T. INDEX 304, A.D.A. OR MANATEE COUNTY STANDARDS, WHICHEVER IS MORE RESTRICTIVE.
4. ALL STRUCTURES, PIPE AND OTHER CONSTRUCTION IN THE DEPARTMENT RIGHT-OF-WAY SHALL BE PERFORMED TO THE LATEST APPLICABLE FLORIDA DEPARTMENT OF TRANSPORTATION ROADWAY DESIGN STANDARDS AND SPECIFICATIONS.

## BUILDING REFERENCE:

BUILDING OUTLINE BASED UPON PLANS PROVIDED BY FWH ARCHITECTS, INC., ISSUED ON 08/05/2011.

| NO. | DATE | DESCRIPTION | BY |
|---|---|---|---|
| 3 | 12/18/11 | REVISED PER MYAKKA FIRE | RMT |
| 1 | 10/27/11 | REVISED PER MANATEE COUNTY COMMENTS | RMT |

SCALE:
DRAWN BY: DGH
PROJ. MANAGER: TOMMELL
PROJ. #: 072-038
DATE: AUG 2011

01/03/12

RICHARD M. TOMMELL, P.E. # 61589
NOT VALID UNLESS SIGNED & EMBOSSED BY A REGISTERED PROFESSIONAL ENGINEER
CDA # 1595, LB 7540, LC 0000081

**RKM DEVELOPMENT CORP.**


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GIS AVIDGROUP.COM


# MYAKKA DOLLAR GENERAL
## MANATEE COUNTY
## PRELIMINARY SITE PLAN

SHEET NO. 2


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**WETLAND AREA (ON-SITE)**
**5845 SQ. FT. (0.13 ACRES)**

| LINE | BEARING | DISTANCE |
|---|---|---|
| L1 | S 64°46'29" E | 25.71' |
| L2 | S 79°29'44" E | 24.11' |
| L3 | N 29°01'59" E | 20.80' |
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| L5 | N 69°40'37" E | 28.03' |
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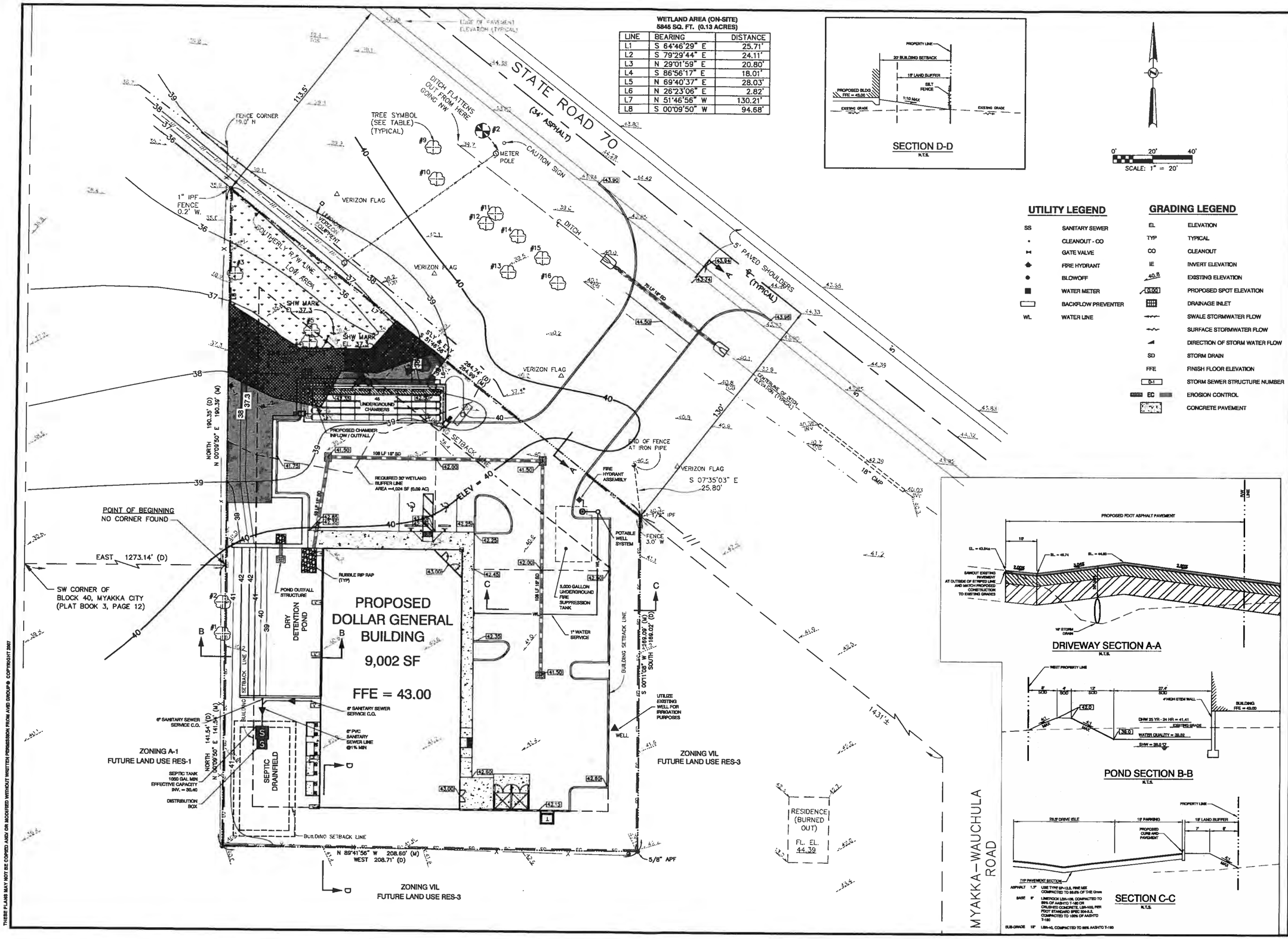





SECTION D-D
N.T.S.

## UTILITY LEGEND

| | |
|---|---|
| SS | SANITARY SEWER |
| • | CLEANOUT - CO |
| | GATE VALVE |
| | FIRE HYDRANT |
| | BLOWOFF |
| | WATER METER |
| | BACKFLOW PREVENTER |
| WL | WATER LINE |

## GRADING LEGEND

| | |
|---|---|
| EL | ELEVATION |
| TYP | TYPICAL |
| CO | CLEANOUT |
| IE | INVERT ELEVATION |
| 40.8 | EXISTING ELEVATION |
| 0.00 | PROPOSED SPOT ELEVATION |
| | DRAINAGE INLET |
| | SWALE STORMWATER FLOW |
| | SURFACE STORMWATER FLOW |
| | DIRECTION OF STORM WATER FLOW |
| SD | STORM DRAIN |
| FFE | FINISH FLOOR ELEVATION |
| D-1 | STORM SEWER STRUCTURE NUMBER |
| EC | EROSION CONTROL |
| | CONCRETE PAVEMENT |




DRIVEWAY SECTION A-A
N.T.S.




POND SECTION B-B
N.T.S.




SECTION C-C
N.T.S.

| NO. | DATE | DESCRIPTION | BY |
|---|---|---|---|
| 3 | 01/26/12 | REVISED PER MANATEE STORMWATER | RMT |
| 2 | 12/16/11 | REVISED PER MYAKKA FIRE | RMT |
| 1 | 10/21/11 | REVISED PER MANATEE COUNTY COMMENTS | RMT |

SCALE:
DRAWN BY: DGH
PROJ. MANAGER: TOMMELL
PROJ. #: 072-098
DATE: AUG 2011

01/16/12

RICHARD M. TOMMELL, P.E. # 61388
NOT VALID UNLESS SIGNED & EMBOSSED BY A REGISTERED PROFESSIONAL ENGINEER
COA # 1836, LB 7244, LC 0000061

**RKM DEVELOPMENT CORP.**

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ENVIRONMENTAL SCIENCES
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PALM HARBOR, FLORIDA
34683
PHONE (727) 789-9500
FAX (727) 784-6582
AVIDGROUP.COM

# MYAKKA DOLLAR GENERAL

## MANATEE COUNTY

## PRLMRY GRDG & UTIL PLAN

SHEET NO. 3

K:\PROJECTS\8000\072\8000\DWG\RICHTEN\CIVIL\072098-PRP_GRD-UTIL.DWG , 1/24/2012 3:09:48 PM , Rick Tommell
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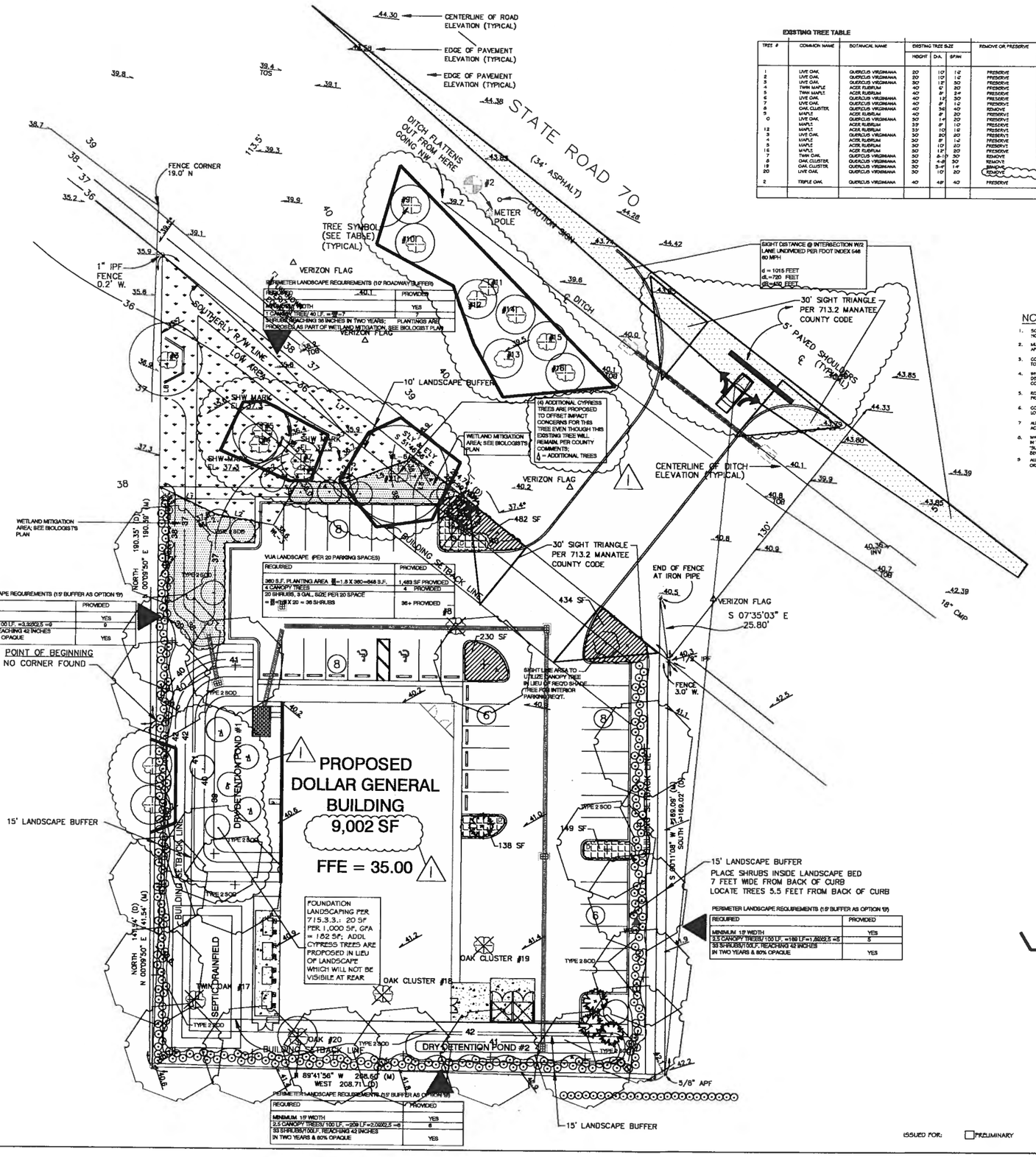


## EXISTING TREE TABLE

| TREE # | COMMON NAME | BOTANICAL NAME | EXISTING TREE SIZE HEIGHT | DIA. | SPAN | REMOVE OR PRESERVE | EQUIVIZED REPLACEMENT CALIPER, MINIMUM | RATIO OF REPLACEMENT TREES TO REMOVED TREES | SUB-TOTAL |
|---|---|---|---|---|---|---|---|---|---|
| 1 | LIVE OAK | QUERCUS VIRGINIANA | 20' | 10" | 14' | PRESERVE | | | |
| 2 | LIVE OAK | QUERCUS VIRGINIANA | 20' | 10" | 14' | PRESERVE | | | |
| 3 | LIVE OAK | QUERCUS VIRGINIANA | 30' | 18" | 30' | PRESERVE | | | |
| 4 | TWIN MAPLE | ACER RUBRUM | 40' | 6" | 20' | PRESERVE | | | |
| 5 | TWIN MAPLE | ACER RUBRUM | 40' | 8" | 34' | PRESERVE | | | |
| 6 | LIVE OAK | QUERCUS VIRGINIANA | 40' | 12" | 30' | PRESERVE | | | |
| 7 | LIVE OAK | QUERCUS VIRGINIANA | 40' | 8" | 14' | PRESERVE | | | |
| 8 | OAK CLUSTER | QUERCUS VIRGINIANA | 40' | 36" | 40' | REMOVE | | | 21" |
| 9 | MAPLE | ACER RUBRUM | 40' | 8" | 20' | PRESERVE | | | |
| 10 | LIVE OAK | QUERCUS VIRGINIANA | 30' | 14" | 20' | PRESERVE | | | |
| | MAPLE | ACER RUBRUM | 35' | 8" | 10' | PRESERVE | | | |
| 12 | MAPLE | ACER RUBRUM | 35' | 10" | 18' | PRESERVE | | | |
| 13 | LIVE OAK | QUERCUS VIRGINIANA | 30' | 20" | 80' | PRESERVE | | | |
| 14 | MAPLE | ACER RUBRUM | 30' | 8" | 14' | PRESERVE | | | |
| 15 | MAPLE | ACER RUBRUM | 30' | 10" | 20' | PRESERVE | | | |
| 16 | MAPLE | ACER RUBRUM | 30' | 12" | 30' | PRESERVE | | | |
| 17 | TWIN OAK | QUERCUS VIRGINIANA | 30' | 8-10" | 30' | REMOVE | 3" | 1:1 | |
| 18 | OAK CLUSTER | QUERCUS VIRGINIANA | 30' | 4-8" | 30' | REMOVE | 3" | 1:1 | |
| 19 | OAK CLUSTER | QUERCUS VIRGINIANA | 30' | 3-4" | 14' | REMOVE | 2" | 1:1 | |
| 20 | LIVE OAK | QUERCUS VIRGINIANA | 30' | 10" | 20' | REMOVE | 10" | 1:1 | 10" |
| 2 | TRIPLE OAK | QUERCUS VIRGINIANA | 40' | 48" | 40' | PRESERVE | | | |
| | | | | | | | | | 34.5" |
| | | | | | | | | | 40 REPLACEMENTS |

NOTE: TREE REPLACEMENT REQUIREMENTS ARE PROPOSED FOR 40 INCHES OF REPLACEMENT. DUE TO THE LIMITED AREA FOR ADDITIONAL TREES ON THE SITE, REPLACEMENT REQUIREMENTS ARE PROPOSED TO BE MET WITH INCREASING THE SIZE OF THE PROPOSED REQUIRED TREES ON THE SITE; SEE LANDSCAPE SCHEDULE; THIS EQUATES TO 3 REPLACEMENT TREES REQUIRING (15) REPLACEMENT TREES @ 4" CALIPER REQUIRED MET WITH INCREASING NEW TREE CALIPER SIZES; (4) ADDITIONAL CYPRESS TREES HAVE BEEN PROVIDED TO OFFSET COUNTY STAFF CONCERNS OF THE IMPACTS OF THE TREE #21 WITHIN THE WETLAND EVEN THOUGH THIS TREE IS TO BE PRESERVED; SEE LANDSCAPE MATERIAL SCHEDULE ON SHEET L3

## NOTES:

1. SOD ALL AREAS INSIDE PROPERTY WITH FLORATAM ST. AUGUSTINE SOD. HOLD BACK SOD 5 FEET TO TRUNKS OF EXISTING TREES.
2. MULCH ALL BEDS TO A DEPTH OF 3" (AFTER COMPACTION) WITH APPROVED MEDIUM FINE BARK MULCH.
3. CONTRACTOR WILL VERIFY THE LOCATION OF ALL UTILITIES PRIOR TO STARTING WORK.
4. WHERE TWO OR MORE ROWS OF PLANTS ARE SIDE BY SIDE IN THIS DESIGN IT IS THE INTENT THAT ROWS BE STAGGERED IN A TRIANGLE TO COMPLY WITH MANATEE COUNTY REQUIREMENTS.
5. ROOT PRUNING OF EXISTING TREES IMPACTED WILL BE ACCOMPLISHED PRIOR TO THE START OF ANY SITE WORK ON THIS PROJECT.
6. CONTRACTOR WILL BARRICADE ALL TREES IN ACCORDANCE WITH THE LOCAL CODES SEE CIVIL PLANS FOR DETAILS AND PLACEMENT.
7. ALL PLANTS AND TREES SHALL BE FLORIDA #1 OR BETTER IN ACCORDANCE TO FLORIDA GRADES AND STANDARDS FOR NURSERY STOCK.
8. WARNING: UNDERGROUND AND/OR ABOVEGROUND UTILITIES MAY BE IN IN THE AREA OF THIS PROJECT. PROCEED WITH CAUTION. CALL "SUNSHINE" 1-800-432-4770 AND THE UTILITY OWNERS 48 HOURS BEFORE BEGINNING WORK.
9. ALL CONSTRUCTION SHALL CONFORM TO ALL APPLICABLE CODES, ORDINANCES AND REGULATIONS OF PASCO, FL.
10. EXCAVATE ALL EXISTING SOILS DETRITIOUS TO PLANT GROWTH SUCH AS UNDERSOIL, CLAYS, JUNK, DEBRIS, ROCKS, STONES ETC. TO A DEPTH OF 1.0' FROM TOP OF CURB OR PAVEMENT AND DISPOSE OF IN A LEGAL MANNER; FURNISH & INSTALL NEW APPROVED PLANTING TOPSOIL PLACED IN 6" LIFTS, SOLIA-COMPACTED AND LEVELED OFF 5" BELOW TOP OF CURB OR PAVEMENT EDGE. DO NOT EXCAVATE NEAR EXISTING TREES.
11. CONTRACTOR SHALL OBTAIN ALL NECESSARY PERMITS PRIOR TO CONST.
12. LANDSCAPE CONTRACTOR SHALL SUBMIT A SOIL ANALYSIS TO THE LANDSCAPE ARCHITECT PRIOR TO COMMENCEMENT OF CONSTRUCTION.
13. FERTILIZER REQUIREMENTS AS SPECIFIED OR NOTED ON THE PLANS SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR.
14. THIS PLAN WAS PREPARED FOR PERMITTING PURPOSES ONLY AND IS NOT TO BE USED FOR CONSTRUCTION. AFTER ALL APPROVALS ARE OBTAINED AND ALL APPLICATIONS PROCESSED THROUGH PERMITTING, IF APPLICABLE A REVISED SET OF PLANS REFLECTING ALL REQUIREMENTS AS SET FORTH BY ALL AGENCIES HAVING JURISDICTION OVER THE PROJECT SHALL BE ISSUED FOR CONSTRUCTION.
15. A AUTOMATIC UNDERGROUND IRRIGATION SYSTEM WILL BE PROVIDED FOR THE PROPOSED LANDSCAPE AND SHALL COMPLY WILL ALL PASCO COUNTY AND STATE CODES. IRRIGATION PLAN SHALL BE SUBMITTED AT TIME OF BLDG. PERMIT WATER SOURCE SHALL BE 3/4" IRRIGATION METER.

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;

EXISTING TREE TO BE PRESERVED IN ACCORDANCE WITH SEC. 714 TREE PROTECTION REQUIREMENTS

EXISTING TREE TO BE REMOVED IN ACCORDANCE WITH SEC. 714 TREE PROTECTION REQUIREMENTS

SOD TYPE 2 — ST. AUGUSTINE 'BITTER BLUE' SOD WITHIN P.L. (HOLD BACK 5' FROM EX. TREES)

VEHICULAR LINE OF SIGHT

TREE BARRICADES FOR TREES TO BE PRESERVED SHALL E LOCATED AT THE DRIP LINE, UNLESS APPROVED BY THE ENVIRONMENTAL PLANNING DIVISION. THE DRIP LINE SHALL BE DEFINED AS THE OUTER BRANCH EDGE OF THE TREE CANOPY. THE AREA WITHIN THE DRIP LINE SHALL REMAIN UNDISTURBED. THE FOLLOWING ACTIVITIES ARE PROHIBITED WITHIN THE DRIP LINE OF PRESERVED TREES: MACHINERY AND VEHICLE TRAVEL OR PARKING; UNDERGROUND UTILITIES; FILLING OR EXCAVATION; STORAGE OF CONSTRUCTION MATERIALS. TREE PROTECTION METHODOLOGY SHALL BE APPROVED WITH THE FINAL SITE PLAN.

[ NOTE: ALL TREES NOT SHOWN HEREON TO BE PROTECTED BY BARRICADES SHALL BE REMOVED. ]

48 HOURS BEFORE YOU DIG CALL SUNSHINE 1-800-432-4770 ITS THE LAW IN FLORIDA

FL STATUTE 553.851 (1979) REQUIRES MIN. OF 2 DAYS AND MAX. OF 5 DAYS NOTICE BEFORE YOU EXCAVATE. FDOT MAINTENANCE YARD TO BE CONTACTED 72 HOURS PRIOR TO BEGINNING CONSTRUCTION.

ISSUED FOR: ☐ PRELIMINARY ☑ PERMITTING ☐ FINAL ☐ CONSTRUCTION ☐ RECORD DATE:

| REVISIONS | NO. | DATE |
|---|---|---|
| RESPONSE TO COUNTY COMMENTS | 1 | |

OWNER:

PROJECT:

DOLLAR GENERAL
MYAKKA

MANATEE COUNTY, FLORIDA


ROBERT FINNEGAN + LANDSCAPE ARCHITECT
FL. REG. NO. LA0000428
13554 LAKE MAGGIORE DR.
TAMPA, FLORIDA 33613
TEL. 813.765.9111
FAX 813.930.5984
robert.finnegan@hotmail.com
www.archefin.myopenglobe.com
www.rfinnegan@rf-la.com



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SEAL:

ROBERT C. FINNEGAN RLA
FLA. LIC. NO. LA 0000428
DRAWING IS NOT VALID WITHOUT AN EMBOSSED SEAL WITH AN ORIGINAL SIGNATURE BY THE LANDSCAPE ARCHITECT OF RECORD

FOR:

AVID GROUP

2300 CURLEW ROAD, STE. 200
PALM HARBOR, FLORIDA 34683

TEL. 727-769-9500

PROJECT MANAGER: R. FINNEGAN

JURISDICTION: MANATEE COUNTY

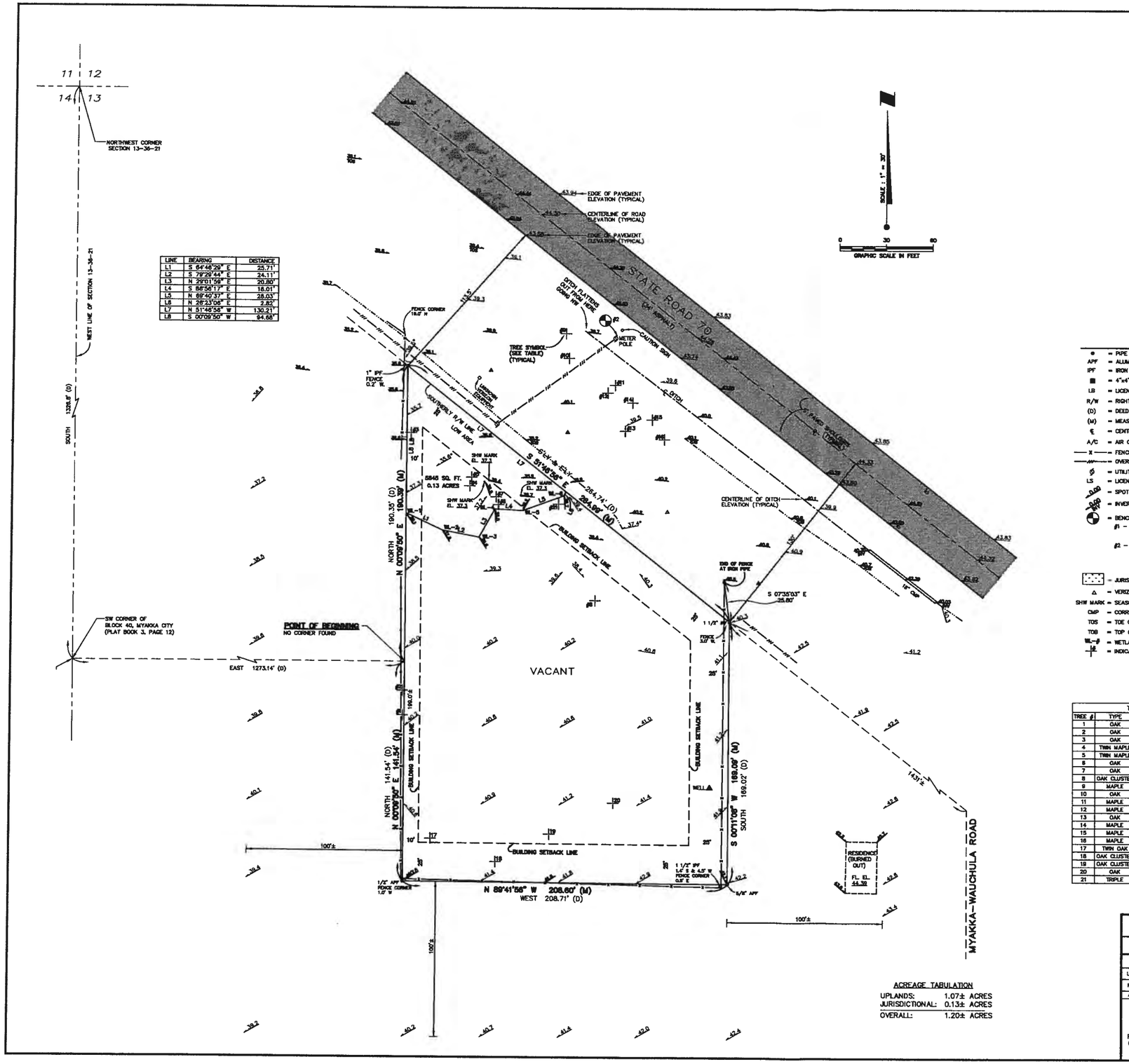
DATE: 08-19-11

LANDSCAPE PLAN

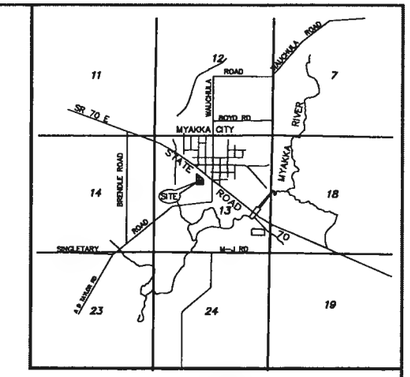
SCALE: R. FINNEGAN

JOB NO.: 0602201 I

SHEET NO.: L1




| LINE | BEARING | DISTANCE |
|---|---|---|
| L1 | S 64°46'29" E | 25.71' |
| L2 | S 79°29'44" E | 24.11' |
| L3 | N 29°01'59" E | 20.90' |
| L4 | S 86°56'17" E | 18.01' |
| L5 | N 69°40'37" E | 28.03' |
| L6 | N 26°23'06" E | 2.82' |
| L7 | N 51°46'58" W | 130.21' |
| L8 | S 00°09'50" W | 94.68' |




**LOCATION SKETCH**
SCALE: 1" = 200'

**LEGEND**

- ● = PIPE FOUND (SIZE AND TYPE AS NOTED)
- APF = ALUMINUM PIPE FOUND (APF)
- IPF = IRON PIPE FOUND (APF)
- ■ = 4"x4" CONCRETE MONUMENT FOUND
- LB = LICENSED BUSINESS
- R/W = RIGHT-OF-WAY
- (D) = DEED
- (M) = MEASURED
- ℄ = CENTERLINE
- A/C = AIR CONDITIONER
- —x— = FENCE
- —OHW— = OVERHEAD UTILITY LINES
- = UTILITY POLE
- LS = LICENSED SURVEYOR
- 0.00 = SPOT ELEVATION
- 0.00 INV = INVERT ELEVATION
- = BENCHMARKS:
  - #1 – NAIL IN FENCE POST ELEVATION = 41.84 FEET N.G.V.D. 1929
  - #2 – NAIL & BENCH MARK TAB SET IN N. SIDE OF WOOD UTILITY POLE – LOCATION AS SHOWN – ELEVATION = 42.02 FEET N.G.V.D. 1929
- = JURISDICTIONAL WETLANDS
- △ = VERIZON BURIED CABLE FLAGS
- SHW MARK = SEASONAL HIGH WATER MARK
- CMP = CORRUGATED METAL PIPE
- TOS = TOE OF SLOPE
- TOB = TOP OF BANK
- WL-# = WETLAND POINT
- 12 = INDICATES TREE (SEE TREE TABLE)

| TREE TABLE | | | | |
|---|---|---|---|---|
| TREE # | TYPE | HEIGHT | DIAMETER | SPAN |
| 1 | OAK | 20'± | 10"± | 16'± |
| 2 | OAK | 20'± | 10"± | 16'± |
| 3 | OAK | 30'± | 12"± | 30'± |
| 4 | TWIN MAPLE | 40'± | 8"± | 20'± |
| 5 | TWIN MAPLE | 40'± | 8"± | 24'± |
| 6 | OAK | 40'± | 12"± | 30'± |
| 7 | OAK | 40'± | 8"± | 16'± |
| 8 | OAK CLUSTER | 40'± | 36"± | 40'± |
| 9 | MAPLE | 40'± | 8"± | 20'± |
| 10 | OAK | 30'± | 14"± | 20'± |
| 11 | MAPLE | 35'± | 8"± | 10'± |
| 12 | MAPLE | 35'± | 10"± | 16'± |
| 13 | OAK | 30'± | 20"± | 20'± |
| 14 | MAPLE | 30'± | 8"± | 16'± |
| 15 | MAPLE | 30'± | 10"± | 20'± |
| 16 | MAPLE | 30'± | 12"± | 20'± |
| 17 | TWIN OAK | 30'± | 8–10"± | 30'± |
| 18 | OAK CLUSTER | 30'± | 4–8"± | 30'± |
| 19 | OAK CLUSTER | 30'± | ALL 3"–4"± | 14'± |
| 20 | OAK | 30'± | 10"± | 20'± |
| 21 | TRIPLE | 40'± | 48"± | 40'± |

**ACREAGE TABULATION**

| | |
|---|---|
| UPLANDS: | 1.07± ACRES |
| JURISDICTIONAL: | 0.13± ACRES |
| OVERALL: | 1.20± ACRES |

**DESCRIPTION:**

BEGIN AT THE NORTHWEST CORNER OF SECTION 13, TOWNSHIP 36 SOUTH, RANGE 21 EAST; THENCE SOUTH 1326.8 FEET TO THE SOUTHWEST CORNER OF BLOCK 40 OF MYAKKA CITY, RECORDED IN PLAT BOOK 3, PAGE 12 OF THE PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA; THENCE EAST 1273.14 FEET TO A POINT AS A **POINT OF BEGINNING**; THENCE NORTH 190.35 FEET TO A POINT ON THE SOUTHERLY BOUNDARY LINE OF THE RIGHT-OF-WAY OF STATE ROAD 70; THENCE SOUTHERLY AND EASTERLY ALONG THE SOUTHERLY BOUNDARY LINE OF THE RIGHT-OF-WAY OF STATE ROAD 70, 264.74 FEET TO A POINT ON SAID RIGHT-OF-WAY BOUNDARY LINE; THENCE SOUTH 169.02 FEET TO A POINT; THENCE WEST 208.71 FEET; THENCE NORTH 141.54 FEET TO THE POINT OF BEGINNING; LOCATED IN BLOCKS 43, 44, 63, AND 64 OF SAID PLAT.

**NOTES:**

1. BEARINGS SHOWN HEREON REFER TO THE WEST LINE OF THE SUBJECT PROPERTY BEING ASSUMED AS N00°09'50"E.
2. UNDERGROUND ENCROACHMENTS OTHER THAN THOSE SHOWN, IF ANY, NOT LOCATED FOR PURPOSE OF THIS SURVEY.
3. THE SUBJECT LAND LIES IN ZONE "X" OF THE FLOOD INSURANCE RATE MAPS, COMMUNITY PANEL NUMBER 120153 0475 C (DATED 07-15-92). SUBJECT TO VERIFICATION.
4. THIS SURVEY HAS BEEN PREPARED WITHOUT THE BENEFIT OF A CURRENT TITLE REPORT, AND THEREFORE MAY NOT INDICATE ALL ENCUMBRANCES ON THE SUBJECT PROPERTY.
5. USE OF THIS SURVEY BY ANYONE OTHER THAN THOSE CERTIFIED TO WILL BE AT THEIR SOLE RISK, WITHOUT LIABILITY TO THE SURVEYOR.
6. SUBJECT TO EASEMENTS, DEDICATIONS, AND RESTRICTIONS OF RECORD.
7. THIS PLAT DENOTES JURISDICTIONAL LIMITS AS ESTABLISHED BY AGENTS OF ECo CONSULTANTS, INC. ON OR ABOUT 5/24/11 AND DOES NOT WARRANT THE LOCATION OF THESE LINES BEYOND THE DATE OF THIS SURVEY.
8. THIS SURVEY DOES NOT CERTIFY TO THE LIMITS OF JURISDICTIONAL DELINEATION, BUT ONLY TO THE POSITIONAL TOLERANCE OF POINTS LOCATED IN THE FIELD, SET BY OTHER PARTIES, SO AS TO CALCULATE AREAS AND TO SHOW SAID LIMITS GRAPHICALLY ON THIS DRAWING.
9. THE SUBJECT LAND AS SURVEYED CONTAINS 52,267 SQUARE FEET OR 1.20 ACRES, MORE OR LESS.
10. THE MANATEE COUNTY PROPERTY APPRAISER'S PARCEL IDENTIFICATION FOR THIS PARCEL IS 1846.3000/2.
10. THE DESCRIPTION SHOWN HEREON WAS TAKEN FROM WARRANTY DEED AS RECORDED IN OFFICIAL RECORD BOOK 1898, PAGE 6598, PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA.

ELECTRONIC FILE

REPRODUCTION OF THE DATA CONTAINED HEREON REQUIRES THE ACKNOWLEDGMENT AND CONSENT OF THE SOURCE.

BOUNDARY SURVEY

LYING IN SECTION 13, TOWNSHIP 36 SOUTH, RANGE 21 EAST, MANATEE COUNTY, FLORIDA

FOR: RKM DEVELOPERS CORP.

ADDRESS: 36750 STATE ROAD 70 EAST MYAKKA CITY, FLORIDA

DISK COPY

THIS GRAPHIC REPRESENTATION OF A BOUNDARY SURVEY PREPARED BY THIS FIRM IS PROVIDED IN AN ELECTRONIC FORMAT FOR THE CONVENIENCE OF THE CLIENT. NO WARRANTY IS EXPRESSED OR IMPLIED. NOT VALID WITHOUT THE SIGNATURE AND EMBOSSED SEAL OF THE CERTIFYING SURVEYOR.

DATE OF SURVEY: 8/29/11

**Leo Mills & Associates, Inc.**
LICENSED BUSINESS NO. 619 • SURVEYING • LAND PLANNING
520 9th AVENUE WEST, PALMETTO, FL 34221 PHONE: (941)723-9440 FAX: (941)723-9640
22 NORTH POLK AVENUE, ARCADIA, FL 34266 PHONE: (863)993-4141 FAX: (863)993-0846

CERTIFIED TO:
RKM DEVELOPERS CORP.

| | | | | | |
|---|---|---|---|---|---|
| JOB NO. | C 7682 | | REVISION | DATE | INT. |
| DRAWN BY: | GHC | CHECKED BY: LMJr | | | |
| FILE: | C7682.DWG | GHC | | | |
| COGO FILE: | C7682.COG | GHC | | Dr. 29 # 16 | |
| SCALE: | 1" = 30' | (SEE GRAPHIC SCALE) | | | |

# MANATEE COUNTY GOVERNMENT
## *AGENDA MEMORANDUM*

| | | | |
|---|---|---|---|
| **SUBJECT** | Ordinance 12-11 – LDC Text Amendment – General Development Plan Expiration | **TYPE AGENDA ITEM** | Advertised Public Hearing – Consent |
| **DATE REQUESTED** | 02/09/12 PC | **DATE SUBMITTED/REVISED** | 02/01/12 |
| **BRIEFINGS? Who?** | No | **CONSEQUENCES IF DEFERRED** | N/A |
| **DEPARTMENT/DIVISION** | Building and Development Services / Administrative Review | **AUTHORIZED BY TITLE** | Robert Schmitt, AICP, Planning Division Manager |
| **CONTACT PERSON TELEPHONE/EXTENSION** | Miles Gentry / 941- 748-4501 ext. 6857 | **PRESENTER/TITLE TELEPHONE/EXTENSION** | Miles Gentry / Planning Manager / 941-748-4501 ext. 6857 |
| **ADMINISTRATIVE APPROVAL** | | | |

**ACTION DESIRED**
**INDICATE WHETHER 1) REPORT; 2) DISCUSSION; 3) FORM OF MOTION; OR 4) OTHER ACTION REQUIRED**

I move to recommend approval of Ordinance 12-11 per the recommended motion in the staff report attached to this memo.

**ENABLING/REGULATING AUTHORITY**
**Federal/State law(s), administrative ruling(s), Manatee County Comp Plan/Land Development Code, ordinances, resolutions, policy**

Manatee County Comprehensive Plan and Manatee County Land Development Code.

**BACKGROUND/DISCUSSION**

*Expiration of General Development Plans*

- Section 508.8.1.1, 508.8.2.1, and 508.8.2 of the Manatee County Land Development Code currently limits the validity of a General Development Plan (GDP) to four (4) years from the date of approval.
- Discussion took place at the Board of County Commission land use meeting on January 2, 2012 questioning the need for an expiration of GDP's.
- This change implements BOCC discussion, eliminating expiration dates for GDPs.
- Unlike a straight rezone, the land use approval of the proposed project expires requiring the applicant to go back through the same process.
- GDPs that were previously approved and still valid may be extended by specific request. Upon approval of the extension, no future expiration shall apply.
- GDPs that have expired prior to January 1, 2012 are not eligible for an extension.
- Substantial deviations to GDPs will still require approval through the public hearing process.
- This proposed amendment is consistent with the Manatee County Comprehensive Plan.
- Staff recommends approval.

**COUNTY ATTORNEY REVIEW**

| Check appropriate box | |
|---|---|
| ☒ | **REVIEWED**<br>**Written Comments:**<br>☐ **Attached**<br>☒ **Available from Attorney (Attorney's initials:** SAS) |
| ☐ | **NOT REVIEWED (No apparent legal issues.)** |
| ☐ | **NOT REVIEWED (Utilizes exact form or procedure previously approved by CAO.)** |

| | |
|---|---|
| ☐ | **OTHER** |

| **ATTACHMENTS: (List in order as attached)** | | **INSTRUCTIONS TO BOARD RECORDS:** | |
|---|---|---|---|
| Staff Report | | n/a | |
| **COST:** | n/a | **SOURCE (ACCT # & NAME):** | n/a |
| **COMMENTS:** | | **AMT./FREQ. OF RECURRING COSTS: (ATTACH FISCAL IMPACT STATEMENT)** | |

P.C. 02/09/12

# ORDINANCE 12-11

**AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA AMENDING THE MANATEE COUNTY LAND DEVELOPMENT CODE REGARDING CHAPTER 5, EXPIRATION AND EXTENSION OF GENERAL DEVELOPMENT PLANS; AMENDING OTHER PROVISIONS AS NECESSARY FOR INTERNAL CONSISTENCY; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

**P.C.: 02/09/12** **B.O.C.C.: 03/01/12**

## RECOMMENDED MOTION:

**Based upon the staff report, evidence presented, comments made at the Public Hearing, and finding the request to be CONSISTENT with the Manatee County Comprehensive Plan, I move to recommend ADOPTION of Manatee County Ordinance 12-11, amending the Manatee County Land Development Code (Ordinance 90-01, as amended), as recommended by staff.**

Background/Discussion:

*Expiration of General Development Plans*

- Section 508.8.1.1, 508.8.2.1, and 508.8.2 of the Manatee County Land Development Code currently limits the validity of a General Development Plan (GDP) to four (4) years from the date of approval.

- Discussion took place at the Board of County Commission land use meeting on January 2, 2012 questioning the need for an expiration of GDPs.

- A GDP includes a list of proposed land uses, establishes setbacks, building heights, and minimum buffer requirements. They also show proposed access locations and identify existing site conditions and environmentally sensitive areas. Concurrency approval cannot be granted with a GDP.

- GDPs can be conditioned to address concerns raised by staff during development application review, and citizens or commissioners during the Planning Commission and Board of County Commission public hearing process.

- Unlike a straight rezone, the land use approval of the proposed project expires requiring the applicant to go back through the same process.

- Current economic conditions have created circumstances in which the uncertainty of a valid land use approval prohibits business decisions from being made and projects moving forward.

- Like GDPs within the PDEZ, this change will keep GDPs valid without expiration.

- GDPs that were previously approved and still valid may be extended by specific request. Upon approval of the extension, no future expiration shall apply.

- GDPs that have expired prior to January 1, 2012 are not eligible for an extension.

- Substantial deviations to GDPs will still require approval through the public hearing process.

- This proposed amendment is consistent with the Manatee County Comprehensive Plan.

- Staff recommends approval.

## Summary

The proposed revision to section 508.8 of the LDC is consistent with the Comprehensive Plan. Particularly by implementing the Policies and Objectives of Goal 2.2 of the Future Land Use Element which states:

> *A pattern of future land uses providing adequate recognition of existing development and providing adequate guidance to all parties for the potential location, general types, and general range of densities and intensities which may be considered for new development or redevelopment.*

Staff recommends approval on the proposed changes.

# ORDINANCE 12-11

**AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA AMENDING THE MANATEE COUNTY LAND DEVELOPMENT CODE REGARDING CHAPTER 5, EXPIRATION AND EXTENSION OF GENERAL DEVELOPMENT PLANS; AMENDING OTHER PROVISIONS AS NECESSARY FOR INTERNAL CONSISTENCY; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

**BE IT ORDAINED by the Board of County Commissioners of Manatee County, Florida:**

**Section 1. Purpose and Intent.** This ordinance is enacted to carry out the purpose and intent of and exercise the authority set out in the Community Planning Act as enacted by House Bill 7207 and Chapter 125, Florida Statutes, as amended.

**Section 2. Findings.** The Board of County Commissioners relies upon the following findings for the adoption of this ordinance:

1. Section 508.8 of the Manatee Land Development Code (the "Land Development Code" or the "Code") establishes durational limitations upon the validity of General Development Plans as a type of site plan regulated by the LDC within the unincorporated area of Manatee County.

2. The County has initiated an LDC text amendment pertaining to the expiration of General Development Plans.

3. It is in the interest of the public health, safety and welfare of the citizens of the County to amend Section 508.8, LDC, so as to delete the durational limitations on the validity of General Development Plans as specified herein.

4. The Manatee County Planning Commission held a duly noticed and advertised public hearing as the County's Local Planning Agency on February 9, 2012 to receive public comment, the Staff Report and has reviewed the amendments set forth in this ordinance and has found these amendments to the LDC to be consistent with the Manatee County Comprehensive Plan and recommended their adoption to the Board.

5. The Board of County Commissioners held a duly noticed and advertised public hearing on March 1, 2012, to receive public comments, the Staff recommendation the report of the Planning Commission and has found this ordinance would promote the public health, safety and welfare of the citizens of the County.

**Section 3. Amendments of Chapter 5, Development Review Procedures, Land Development Code.** Chapter 5, Development Review Procedures, Sections 508.8.1, General Development Plans, 508.8.2, Extensions and 508.8.2, Local Development Agreements are hereby amended and restated in their entirety as set forth below. Additional text indicated by underlining, deletions by ~~strikeout~~.

* * *

"508.8. *Expiration, Extensions and Changes.* All site plans shall be subject to the following requirements for expiration, extension and changes.

508.8.1. *Expiration.*

508.8.1.1. *General Development Plans--Applicability.*

This Section shall apply to general development plans expiring on or after January 1, 2012. General development plans which have expired prior to January 1, 2012 are no longer in effect, a new general development plan would be required in order for this Section to apply.

General Development Plans shall not contain an expiration date unless otherwise provided for in the development order approving the general development plan or a local development agreement. ~~four (4) years after the date of approval, unless a preliminary site plan is submitted by the applicant. This expiration shall include all phases shown on the approved General Development Plan, as phases may not extend beyond the approval limit of the site plan, except in the case of a large project, DRI, Port Encouragement Zone, or County facility for which a phasing schedule is approved pursuant to Section 508.4.1.3., or 508.4.1.4., in which case such General Development Plan shall expire in accordance with such phasing schedule except as provided for in Section 508.1.1.1 below~~.

* * *

508.8.2. *Extensions.* Extensions to expiration dates for site plans approved by the Board may be granted only by the Board. Extensions to expiration dates for site plans approved by the Planning Director may be granted by the Planning Director.

508.8.2.1. *General Development Plans.* The expiration date for a general development plan previously approved prior to January 1, 2012, may be extended by a resolution specific to that general development plan or a generally applicable resolution of the Board. General development plans that have expired prior to January 1, 2012, are not eligible to be extended and shall be required to be processed through the development approval process to remain valid. ~~not be extended more than three (3) years beyond the original expiration date~~.

508.8.2.4. *Local Government Development Agreements.* The expiration date for any approved site plan may be extended for a period longer than allowed pursuant to the above Sections 508.8.2.2, 508.8.2.3 or an expiration date may be specified for a General Development Plan in accordance with Section 508.8.1.1, notwithstanding the limitations contained in those sections, in connection with a development agreement."

**Section 4. Codification.** The publisher of the County's Land Development Code, the Municipal Code Corporation, is directed to codify the amendments in Section 3 of this ordinance into the Land Development Code, but shall not codify the remaining Sections.

**Section 5. Applicability.** The amendments set forth in this ordinance shall apply to all applications, decision or controversies pending before the County upon the effective date hereof or filed or initiated thereafter.

**Section 6. Severability.** If any section, sentence, clause, or other provision of this Ordinance shall be held to be invalid or unconstitutional by a court of competent jurisdiction, such section, sentence, clause, or other provision shall be deemed severable, and such invalidity or unconstitutionality shall not be construed as to render invalid or unconstitutional the remaining sections, sentences, clauses, or provisions of this Ordinance.

**Section 7. Effective Date.** This ordinance shall become effective as provided by law.

**PASSED AND DULY ADOPTED,** with a quorum present and voting, by the Board of County Commissioners of Manatee County, Florida, this 1st day of March, 2012.

**BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA**

**By:** _____
**John R. Chappie, Chairman**

**ATTEST: R.B. SHORE**
**Clerk of the Circuit Court**

**By:** _____
**Deputy Clerk**

## Copy of Newspaper Advertising

**Bradenton Herald**

KiernanKemodeling.com 748-7215

# NOTICE OF LAND DEVELOPMENT CODE CHANGES IN UNINCORPORATED MANATEE COUNTY

The Manatee County Planning Commission will hold a public hearing to consider amendments to certain provisions of the Manatee County Land Development Code (Ordinance 90-01, as amended) and make a recommendation to the Board of County Commissioners as to the consistency of the proposed Ordinances with the Comprehensive Plan and as to whether the proposed ordinance should be adopted, adopted with modifications, or denied.

**Date** **Thursday, February 9, 2012**

**Time:** **9:00 AM or soon thereafter**

**Place:** **Manatee County Government Administrative Center**
**1112 Manatee Avenue West,**
**1st Floor Chambers**

**ORDINANCE 12-11**

**AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA AMENDING THE MANATEE COUNTY LAND DEVELOPMENT CODE REGARDING CHAPTER 5, EXPIRATION AND EXTENSION OF GENERAL DEVELOPMENT PLANS; AMENDING OTHER PROVISIONS AS NECESSARY FOR INTERNAL CONSISTENCY; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

The public is invited to speak at this hearing, subject to proper rules of conduct. The hearing may be continued from time to time to a date and time certain. The public may also provide written comments for the Planning Commission to consider.

Interested parties may examine the proposed Ordinances and related documents and may obtain assistance regarding these matters from the Manatee County Building and Development Services Department, 1112 Manatee Avenue West, 2ND Floor, Bradenton, Florida; telephone number (941) 748-4501 EXT. 6878; e-mail to: planning.agenda@mymanatee.org

Rules of procedure for this public hearing are in effect pursuant to Resolution 05-239(PC). A copy of this Resolution is available for review or purchase from the Building and Development Services Department (see address below).

Please send comments to: Manatee County Building and
Development Services Department
Attn: Project Coordinator
1112 Manatee Ave. West 2ND Floor
Bradenton, FL 34205

All written comments will be entered into the record.

For More Information: Copies of the proposed amendment will be available for review and copying at cost approximately ten (10) days prior to the public hearing. Information may also be obtained by calling 748-4501 x 6878, between 8:00 AM - 5:00 PM.

Americans With Disabilities: The Board of County Commissioners of Manatee County does not discriminate upon the basis of any individual's disability status. This non-discrimination policy involves every aspect of the Board's functions including one's access to and participation in public hearings. Anyone requiring reasonable accommodation for this meeting as provided for in the ADA, should contact Kaycee Ellis at 742-5800; TDD ONLY 742-5802 and wait 60 seconds, FAX 745-3790.

According to Section 286.0105, Florida Statutes, if a person decides to appeal any decision made with respect to any matters considered at such meetings or hearings, he/she will need a record of the proceedings, and for such purpose, he/she may need to ensure that a verbatim record of the proceedings is made, which record would include any testimony or evidence upon which the appeal is to be based.

SAID HEARING MAY BE CONTINUED FROM TIME TO TIME PENDING ADJOURNMENTS.

MANATEE COUNTY PLANNING COMMISSION
Manatee County Building and Development Services Department
Manatee County, Florida

**Copy of Newspaper Advertising**

**Sarasota Herald Tribune**

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SAID HEARING MAY BE CONTINUED FROM TIME TO TIME PENDING ADJOURNMENTS.

MANATEE COUNTY PLANNING COMMISSION
Manatee County Building and Development Services Department
Manatee County, Florida

# MANATEE COUNTY GOVERNMENT
## *AGENDA MEMORANDUM*

| | | | |
|---|---|---|---|
| **SUBJECT** | PDR-12-01(P) – B &H Cattle Company/Charter School, USA | **TYPE AGENDA ITEM** | Advertised Public Hearing – Regular |
| **DATE REQUESTED** | 02/09/12 PC | **DATE SUBMITTED/REVISED** | 02/02/12 |
| **BRIEFINGS? Who?** | None | **CONSEQUENCES IF DEFERRED** | N/A |
| **DEPARTMENT/DIVISION** | Building & Development Services Department/Comprehensive Planning and Public Hearings | **AUTHORIZED BY TITLE** | Robert Schmitt, AICP, Planning Division Manager |
| **CONTACT PERSON TELEPHONE/EXTENSION** | Stephanie Moreland<br>941-748-4501, ext. 3880 | **PRESENTER/TITLE TELEPHONE/EXTENSION** | Stephanie Moreland, Planner<br>941-748-4501, ext. 3880 |
| **ADMINISTRATIVE APPROVAL** | | | |

### ACTION DESIRED
**INDICATE WHETHER 1) REPORT; 2) DISCUSSION; 3) FORM OF MOTION; OR 4) OTHER ACTION REQUIRED**

I move to recommend approval of PDR-12-01(P) per the recommended motion in the staff report attached to this memo.

### ENABLING/REGULATING AUTHORITY
**Federal/State law(s), administrative ruling(s), Manatee County Comp Plan/Land Development Code, ordinances, resolutions, policy**

Manatee County Comprehensive Plan and Manatee County Land Development Code.

### BACKGROUND/DISCUSSION

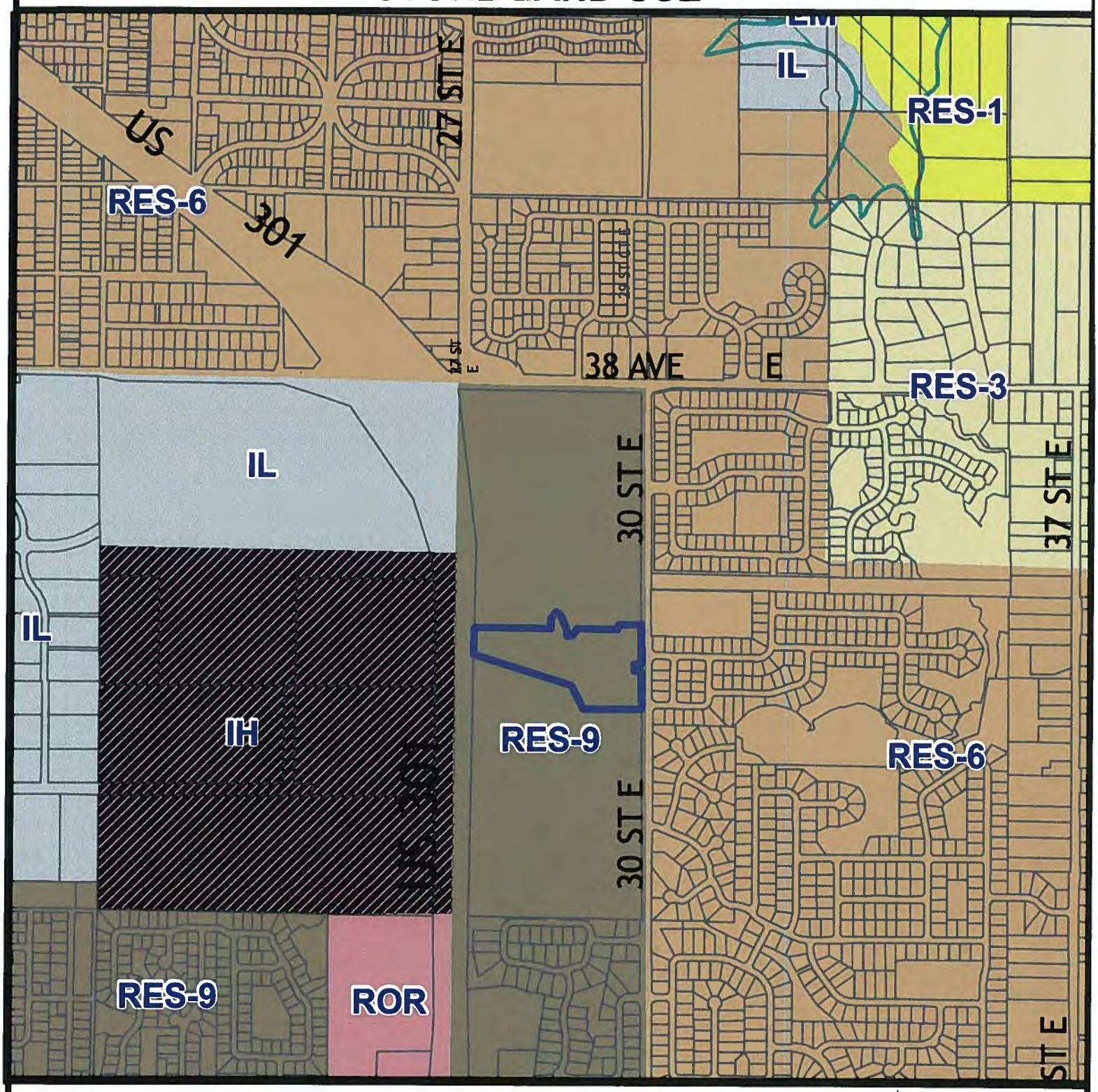
- B&H Cattle Company and Charter School, USA, request the approval of a Preliminary Site Plan to construct a 76,438 square foot building for a new charter school on 15.00± acres to serve a maximum of 1,140 students; 855 elementary students and 285 middle school students. The site is east side of U.S. 301 and west side of 30th Street East in Bradenton, approximately 393 feet south of the proposed 44th Avenue East extension.
- Due to time constraints, a completed survey was not submitted with the Preliminary Site Plan. The applicant is still working on the amount of total acreage and has indicated that the acreage may change to ten acres. The design will remain the same but the Floor Area Ratio (FAR - 0.12) and open space percentage (37%) may be affected. Should the acreage change, Staff recommends a stipulation limiting FAR and open space percentage in accordance with the Manatee County Comprehensive Plan and LDC respectively.
- The site is in the RES-9 (Residential, nine dwelling units per acre) Future Land Use Category (FLUC). Schools are considered a residential support use and are listed in the range of potential uses for consideration in the RES-9 FLUC. Special Approval is required for a project exceeding 30,000 square feet in RES-9. Special Approval can be granted through the planned development process.
- The vacant site is a division of an overall 63.82± acre site previously rezoned to PDR [PDR-06-40(Z)(P), Manatee Cove] on June 12, 2007. At that time, a Preliminary Site Plan was approved for 558 single and multi-family units. The project was not constructed and no extensions were requested or granted. The Preliminary Site Plan expired on June 12, 2010. A new Preliminary Site Plan is required for the proposed school. Elementary and middle schools are permitted in PDR with the Board of County Commissioner's (BOCC's) approval.
- The school site wraps around the north, south, and west boundaries of a small parcel (PI#16846.0000/8), owned by the City of Bradenton. The location of this parcel makes it difficult to provide a continuous buffer and sidewalk along the west side of 30th Street East. The City has allowed the school use of their property for sidewalk and driveway purposes subject to conditions and their approval at Final Site Plan stage. Staff recommends the inclusion of a stipulation for the City's review and acceptance.
- The site plan shows a two-story structure for the school building with associated parking in the eastern part of the site. An enclosed recreational area is north and west of the school building. The proposed maximum building height is 35 feet not including architectural features such as towers, copulas, facades, spires and parapets. These may extend to approximately 38 feet.
- There is a 3.4± acre parcel between the school site (not part of request) and the proposed 44th Avenue East Extension. 38th Avenue East is farther north. The western boundary of the school site is adjacent to the future Right-of-Way boundary associated with future interchange improvements at 44th Avenue East and U.S. 301, a limited access facility.
- The design shows two entrances connecting interior drive aisles to 30th Street East.
- There will be perimeter and interior landscaping around vehicle use areas, as well as landscaping in perimeter and roadway buffers.
- The design shows a proposed five-foot wide sidewalk along the west side of 30th Street East. There is an existing sidewalk along the east side, extending from 38th Avenue East to 51st Avenue East.
- There are no known historic or archaeological resources on the site. The project is in the X Flood Zone Category. There are no wetlands on-site.

- The applicant hosted neighborhood meetings on January 3, 2012 and February 1st, 2012. Concerns raised include increased traffic on 30th Street East, access, roadway improvements involving the proposed 44th Avenue East Extension and flooding.
- Staff raised concerns relative to potential operational issues with respect to traffic queuing on-site and stacking on 30th Street East. Staff recommends stipulations to regulate the drop-off and pick-up circulation, re-evaluate traffic and stacking when student enrollment reaches 650 students, and provide north and southbound turn lanes on 30th Street East.
- The applicant requests Specific Approval to reduce a driveway setback to the south, reduce replacement tree sizes, reduce the roadway buffer width along 30th Street East, and place a dumpster in the front yard and 11 consecutive parking spaces without a terminal island in two different locations.
- Staff recommends approval with stipulations.

| COUNTY ATTORNEY REVIEW | |
|---|---|
| **Check appropriate box** | |
| ☐ | **REVIEWED**<br>**Written Comments:**<br>☐ **Attached**<br>☐ **Available from Attorney (Attorney's initials: _____)** |
| ☒ | **NOT REVIEWED (No apparent legal issues.)** |
| ☐ | **NOT REVIEWED (Utilizes exact form or procedure previously approved by CAO.)** |
| ☐ | **OTHER** |

| **ATTACHMENTS: (List in order as attached)** | | **INSTRUCTIONS TO BOARD RECORDS:** | |
|---|---|---|---|
| Staff Report | | n/a | |
| **COST:** | n/a | **SOURCE (ACCT # & NAME):** | n/a |
| **COMMENTS:** | | **AMT./FREQ. OF RECURRING COSTS: (ATTACH FISCAL IMPACT STATEMENT)** | |

# FUTURE LAND USE




Parcel ID #(s) 1544900059

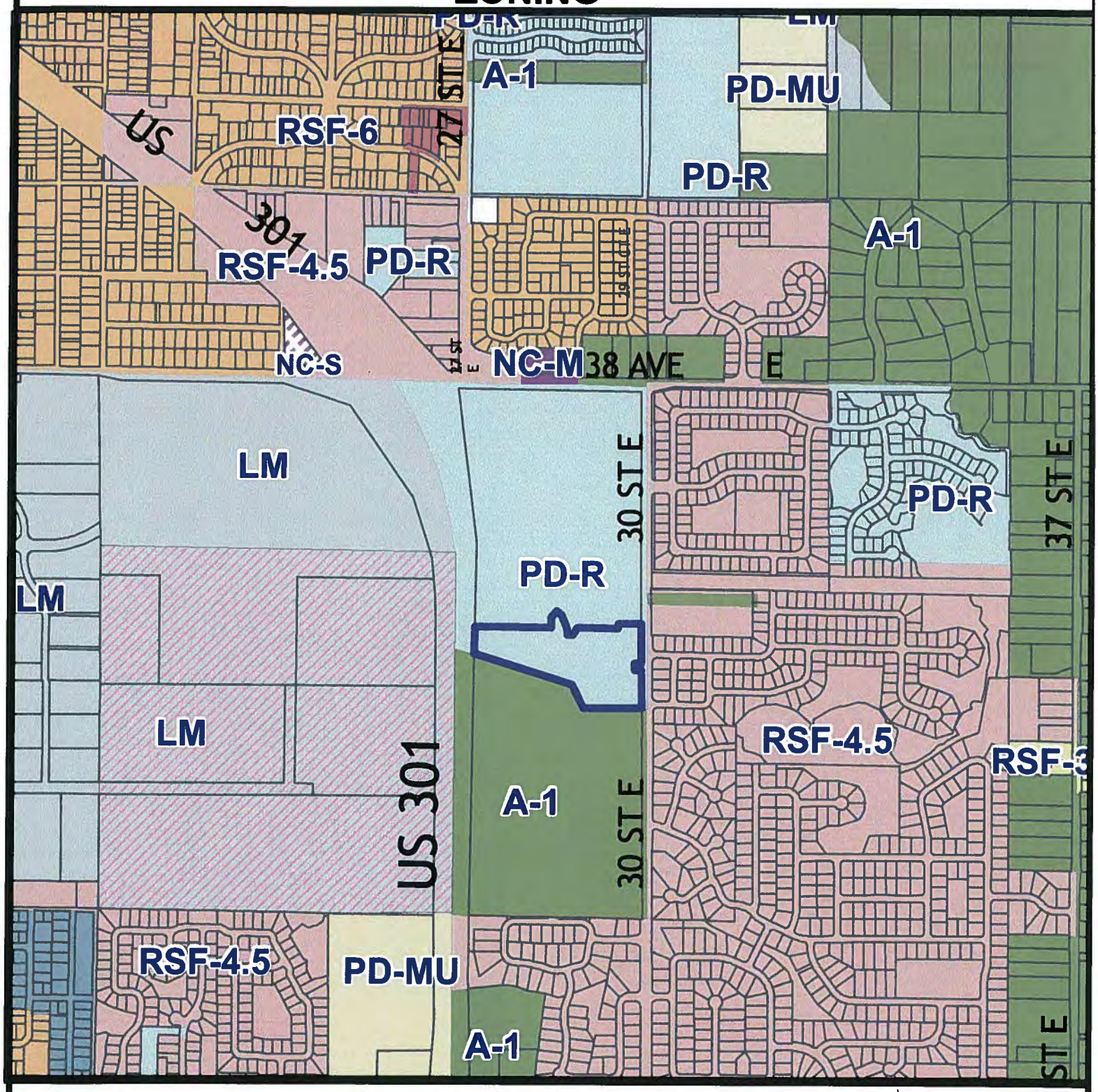
Manatee County
Staff Report Map

Map Prepared 12/9/2011
1 inch = 991 feet

| | |
|---|---|
| Project Name: | B & H Cattle Company / Charter School USA |
| Project #: | PDR-12-01 (P) |
| DTS#: | 20120009 |
| Proposed Use: | School |
| S/T/R: | Sec 8,5,6 Twn 35 Rng 18 |
| Acreage: | ± 15.0 |
| Existing Zoning: | PD-R |
| Existing FLU: | RES-9 |
| Overlays: | NONE |
| Special Areas: | NONE |
| CHH: | NONE |
| Watershed: | NONE |
| Drainage Basin: | GAP CREEK,SUGARHOUSE CREEK |
| Commissioner: | Robin DiSabatino |

ICR

# ZONING

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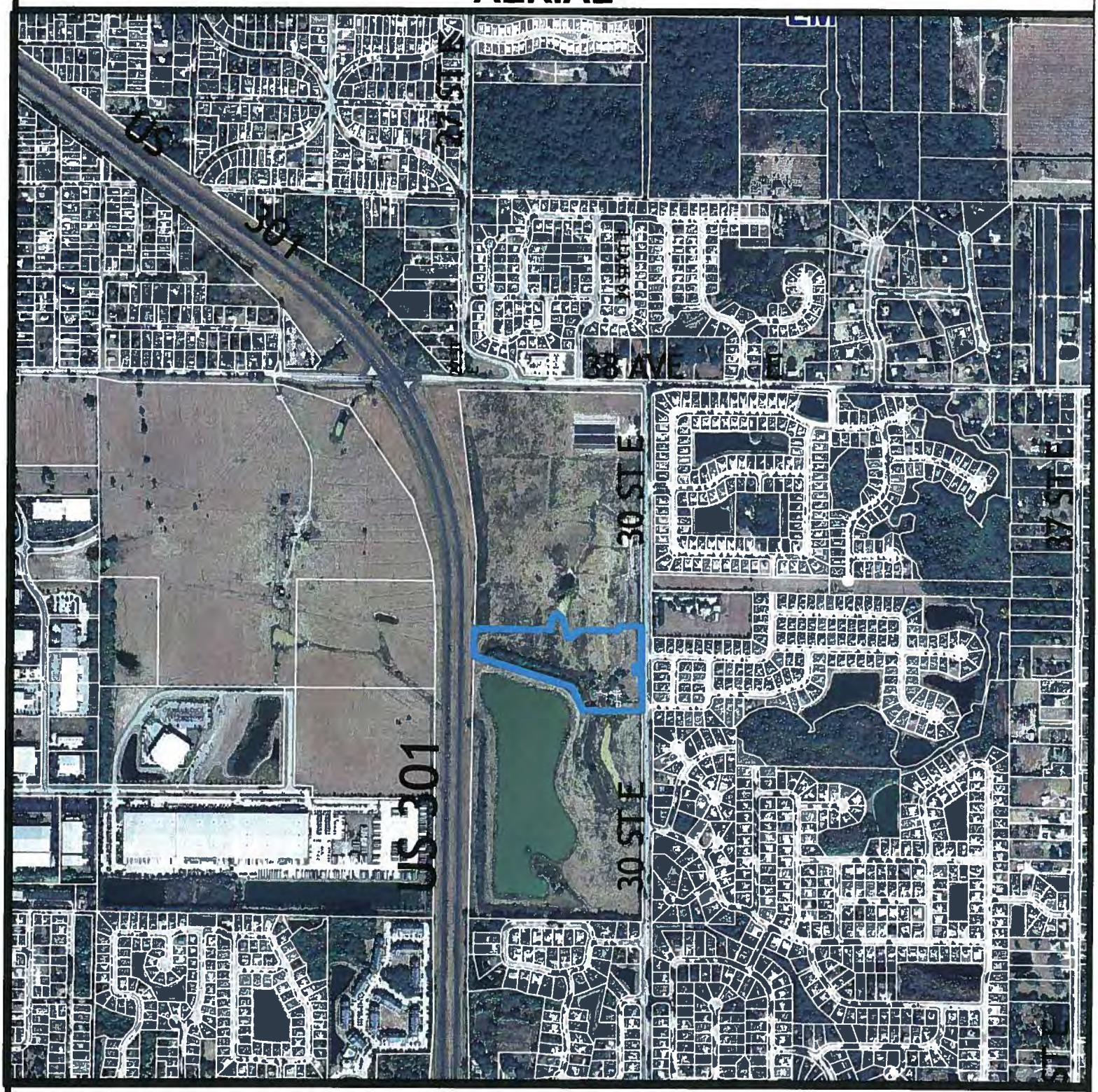
|---|---|
| Project Name: | B & H Cattle Company / Charter School USA |
| Project #: | PDR-12-01 (P) |
| DTS#: | 20120009 |
| Proposed Use: | School |
| S/T/R: | Sec 8,5,6 Twn 35 Rng 18 |
| Acreage: | ± 15.0 |
| Existing Zoning: | PD-R |
| Existing FLU: | RES-9 |
| Overlays: | NONE |
| Special Areas: | NONE |
| CHH: | NONE |
| Watershed: | NONE |
| Drainage Basin: | GAP CREEK,SUGARHOUSE CREEK |
| Commissioner: | Robin DiSabatino |

ICR

# AERIAL




Parcel ID #(s) 1544900059

Manatee County
Staff Report Map

Map Prepared 12/9/2011
1 inch = 991 feet

| | |
|---|---|
| Project Name: | B & H Cattle Company / Charter School USA |
| Project #: | PDR-12-01 (P) |
| DTS#: | 20120009 |
| Proposed Use: | School |

| | | | |
|---|---|---|---|
| S/T/R: | Sec 8,5,6 Twn 35 Rng 18 | | |
| Acreage: | ± 15.0 | | |
| Existing Zoning: | PD-R | CHH: | NONE |
| Existing FLU: | RES-9 | Watershed: | NONE |
| Overlays: | NONE | Drainage Basin: | GAP CREEK,SUGARHOUSE CREEK |
| Special Areas: | NONE | Commissioner: | Robin DiSabatino |

P.C. 2/09/2012

**PDR-12-01(P) - B&H CATTLE COMPANY/CHARTER SCHOOL, USA**

An Ordinance of the Board of County Commissioners of Manatee County, Florida, regarding land development, approving a Preliminary Site Plan for a 76,438 square foot Elementary and Middle Charter School with associated low intensity recreational uses on the east side of U.S. 301 and west side of 30th Street East, approximately 1,809 feet south of 38th Avenue East, and 393 feet south of the proposed 44th Avenue East, at 4550 30th Street East, Bradenton; subject to stipulations as conditions of approval; setting forth findings; providing for severability; providing a legal description, and providing an effective date.

**P.C.: 2/09/2012** **B.O.C.C.: 2/28/2012**

**RECOMMENDED MOTION:**

**Based upon the staff report, evidence presented, comments made at the Public Hearing, 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 recommend APPROVAL of Preliminary Site Plan NO. PDR-12-01(P) with Stipulations A.1–A.4, B.1-B.6, C.1, D.1-D.3 and E.1-E.5; Granting Special Approval for: a project exceeding 30,000 square feet in the RES-9 Future Land Use Category (FLUC); ADOPTION of the Findings for Specific Approval; and GRANTING Specific Approval for an alternative to LDC Sections 603.7.4.1, 711.4.4, 714.8.7, 715.3.1.d, 715.3.2.a.1, and 728.5.1.2, as recommended by staff.**

| PROJECT SUMMARY | |
|---|---|
| **CASE#** | **PDR-12-01(P), DTS# 20120009, Buzzsaw #107** |
| **PROJECT NAME** | **Charter Schools USA-Bradenton** |
| **APPLICANT(S):** | **B&H Cattle Company** |
| **EXISTING ZONING:** | **PDR (Planned Development Residential)** |
| **PROPOSED USE(S):** | **Elementary and Middle Charter School** |
| | |
| **CASE MANAGER:** | **Stephanie Moreland** |
| **STAFF RECOMMENDATION:** | **Approval** |

## DETAILED DISCUSSION

The request is to construct an elementary and middle school on 15.00± acres to serve a maximum of 1,140 students; 855 elementary students and 285 middle school students.

Due to time constraints, a completed survey was not submitted with the Preliminary Site Plan. The applicant is still working on the amount of total acreage and has indicated that the acreage may change to ten acres. The design will remain the same but the Floor Area Ratio (FAR - 0.12) and open space percentage (37%) may be affected. Should the acreage change, Staff recommends a stipulation limiting FAR and open space percentage in accordance with the Manatee County Comprehensive Plan and LDC respectively.

The site is in the RES-9 (Residential, nine dwelling units per acre) Future Land Use Category (FLUC). Schools are considered a residential support use and are listed in the range of potential uses for consideration in the RES-9 FLUC. Special Approval is required for a project exceeding 30,000 square feet in RES-9. Special Approval can be granted through the planned development process.

The vacant site is a division of an overall 63.82± acre site previously rezoned to PDR [PDR-06-40(Z)(P), Manatee Cove] on June 12, 2007. At that time, a Preliminary Site Plan was approved for 558 single and multi-family units. The project was not constructed and no extensions were requested or granted. The Preliminary Site Plan expired on June 12, 2010. A new Preliminary Site Plan is required for the proposed school. Elementary and middle schools are permitted in PDR with the Board of County Commissioner's (BOCC's) approval.

The school site wraps around the north, south, and west boundaries of a small parcel (PI#16846.0000/8), owned by the City of Bradenton. The location of this parcel makes it difficult to provide a continuous buffer and sidewalk along the west side of 30th Street East. The City has allowed the school use of their property for sidewalk and driveway purposes subject to conditions and their approval at Final Site Plan stage. Staff recommends the inclusion of a stipulation for the City's review and acceptance.

The site plan shows a two-story structure for the school building with associated parking in the eastern part of the site. An enclosed recreational area is north and west of the school building. The proposed maximum building height is 35 feet not including architectural features such as towers, copulas, facades, spires and parapets. These may extend to approximately 38 feet.

There is a 3.4± acre parcel between the school site (not part of request) and the proposed 44th Avenue East Extension. 38th Avenue East is farther north. The western boundary of the school site is adjacent to the future Right-of-Way boundary associated with future interchange improvements at 44th Avenue East and U.S. 301, a limited access facility.

The design shows two entrances connecting interior drive aisles to 30th Street East.

There will be perimeter and interior landscaping around vehicle use areas, as well as landscaping in perimeter and roadway buffers.

The design shows a proposed five-foot wide sidewalk along the west side of 30th Street East. There is an existing sidewalk along the east side, extending from 38th Avenue East to 51st Avenue East.

There are no known historic or archaeological resources on the site.

The project is in the X Flood Zone Category. There are no wetlands on-site.

The applicant hosted neighborhood meetings on January 3, 2012 and February 1st, 2012. Concerns raised include increased traffic on 30th Street East, access, roadway improvements involving the proposed 44th Avenue East Extension and flooding.

Staff raised concerns relative to potential operational issues with respect to traffic queuing on-site and stacking on 30th Street East. Staff recommends stipulations to regulate the drop-off and pick-up circulation, re-evaluate traffic and stacking when student enrollment reaches 650 students, and provide north and southbound turn lanes on 30th Street East.

The applicant requests Specific Approval to reduce a driveway setback to the south, reduce replacement tree sizes, reduce the roadway buffer width along 30th Street East, place a dumpster in the front yard and 11 consecutive parking spaces without a terminal island in two different locations.

| Staff recommends approval with stipulations. |
|---|

| SITE CHARACTERISTICS AND SURROUNDING AREA | |
|---|---|
| **ADDRESS:** | **4550 30th Street East** |
| **GENERAL LOCATION:** | **East of U.S. 301 and west side of 30th Street East, approximately 1,809 feet south of 38th Avenue East and 393 feet south of the proposed 44th Avenue East.** |
| **ACREAGE:** | **15.00± acres** |
| **EXISTING USE(S):** | **Agriculture** |
| **FUTURE LAND USE CATEGORY(S):** | **RES-9 (Residential, nine dwelling units per acre)** |
| **FLOOR AREA RATIO (FAR):** | **0.12** |
| **SPECIAL APPROVAL(S):** | **1. Project exceeding 30,000 square feet in RES-9 FLUC.** |
| **SPECIFIC APPROVAL(S):** | **1. Reduced driveway setback<br>2. Reduced tree replacement sizes<br>3. Reduced roadway buffer width<br>4. Dumpster location in front yard<br>5. More than ten parking spaces without island** |
| **OVERLAY DISTRICT(S):** | **NA** |
| **SURROUNDING USES & ZONING** | |
| **NORTH** | **Vacant land zoned PDR. Across proposed 44th Avenue East is a plant nursery zoned PDR. Farther north, across 38th Avenue East, are single-family homes zoned A-1 and PDR, and a Church (Kingdom Hall of Jehovah Witnesses) zoned NCM (Neighborhood Commercial Medium).** |
| **SOUTH** | **Vacant land and borrow pit zoned A-1 (Suburban Agriculture).** |
| **EAST** | **Across 30th Street East, Hope Presbyterian Church and single-family residences in Wallingford Subdivision zoned RSF-4.5 (Residential Single-family, 4.5 dwelling units per acre).** |

| | |
|---|---|
| **WEST** | **Vacant land zoned PDR. Across U.S. 301 is vacant land, zoned LM (Light Manufacturing)** |

| **SITE DESIGN DETAILS** | |
|---|---|
| **BUILDING SQUARE FOOTAGE:** | **76,438 square feet** |
| **MINIMUM SETBACKS:** | **Two Front : 25'<br>Two Sides: 10'<br>Water: 30'** |
| **OPEN SPACE REQUIRED:** | **25% or 3.75 acres** |
| **OPEN SPACE PROVIDED:** | **37% or 5.55 acres** |
| **ACCESS:** | **30th Street East** |
| **FLOOD ZONE(S)** | **X (Panel 120153 0334C, revised 7/15/92)** |
| **AREA OF KNOWN FLOODING** | **Yes, Sugarhouse Creek Basin** |
| **UTILITY CONNECTIONS** | **County water and sewer- 36" water main along 38th Ave. E., 24" water main and 6" sewer force main along 30th St. E.** |
| **ENVIRONMENTAL INFORMATION** | |
| **Overall Wetland Acreage:** | **None** |
| **Proposed Impact Acreage:** | **None** |

**NEARBY DEVELOPMENT**

| PROJECT | LOTS/UNITS | DENSITY | FLUC | YEAR APPROVED |
|---|---|---|---|---|
| Manatee Oaks | 304 | 2.36 | RES-6 | 1985-1989 |
| Highland Ridge | 120 | 2.68 | RES-6 | 2002 |
| Wallingford Subdivision | 142 | 2.24 | RES-6 | 2001 |
| Oak Trace | 69 | 1.60 | RES-3 | 2003 |
| Plantation Oaks | 50 | 2.44 | RES-6 | 1985 |
| Oakmont Subdivision | 40 | 2.65 | RES-6 | 1981 |
| Stone Creek | 121 | 4.76 | RES-6 | 1985 |

| | | | | |
|---|---|---|---|---|
| **Sugar Ridge** | **74** | **2.69** | **RES-6** | **1996** |
| **Candlewood** | **67** | **2.28** | **RES-9** | **1988** |
| **Hope Presbyterian Church** | **8,578 square feet** | | **RES-6** | **1989** |

## POSITIVE ASPECTS

- The school will provide services for the nearby residential area.
- The site has frontage along a Collector roadway.

## NEGATIVE ASPECTS

- There may be potential traffic impacts on 30th Street East.

## MITIGATING MEASURE

- Staff recommends stipulations to regulate the drop-off and pick-up circulation, re-evaluate traffic and stacking when student enrollment reaches 650 students, and provide north and southbound turn lanes on 30th Street East.

## STAFF RECOMMENDED STIPULATIONS

**A. <u>DESIGN AND LAND USE CONDITIONS</u>:**

1. All roof mounted HVAC equipment shall be screened from view from adjacent roadways and residential uses. Screening shall consist of similar colors and materials consistent with the construction of the exterior finish of the buildings. Details of screening shall be submitted with the Final Site Plan.

2. All dumpsters shall be screened from view from adjacent roadways and residential uses. Screening shall consist of building materials and colors matching the principal building on site. Details of screening shall be submitted with the Final Site Plan.

3. The Floor Area Ratio (FAR) shall not exceed 0.23 and a minimum of 25% open space shall be shown on the FSP and approved by the Planning Division of the Building and Development Services Department.

4. Prior to Final Site Plan and Construction Drawing approval, the Charter School shall obtain a Utility Easement from the City of Bradenton. The City of Bradenton shall participate in the review and approval of the Final Site Plan.

## B. ENVIRONMENTAL CONDITIONS:

1. A copy of the Environmental Resource Permit (ERP) approved by SWFWMD shall be submitted to the Environmental Planning Division for review prior to Final Site Plan approval.

2. 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 Final Plat approval (applicable if project limits include wetland to north of currently identified project area).

3. Existing native vegetation within any required landscape buffer shall be preserved to the greatest extent possible. There shall be no overhead or underground power lines, swales, or stormwater facilities within any proposed landscape buffer containing desirable native vegetation with the exception of limited crossings.

4. Tree barricades for trees to be preserved shall be located at the drip line, unless approved by the Environmental Planning Division. The drip line shall be defined as the outer branch edge of the tree canopy. The area within the drip line shall remain undisturbed. The following activities are prohibited within the drip line of preserved trees: machinery and vehicle travel or parking; underground utilities; filling or excavation; storage of construction materials. Tree protection methodology shall be approved with the Final Site Plan.

5. A Well Management Plan for the proper protection and abandonment of existing wells shall be submitted to the Environmental Planning Division 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.

6. 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.

## C. STORMWATER CONDITIONS:

1. This project shall be required to reduce the calculated pre-development flow rate by a full fifty percent (50%) for all stormwater outfall flow directly or indirectly into Sugarhouse Creek. Modeling shall be used to determine pre- and post-development flows.

**D. HEALTH DEPARTMENT:**

1. All school plants shall conform to Chapter 64E-11, Florida Administrative Code prior to licensure. Prior to construction, plans of the facility and its operation shall be submitted to and approved by the Manatee County Health Department. Plans may be submitted by the owner, prospective operator or their designated representative. All plans shall comply with the requirements of this Chapter.

2. Disposal of biohazardous/biomedical waste shall be in accordance with Chapter 64E-16, Florida Administrative Code. Permits are required for each biomedical waste generator in the facility.

3. Abandoned septic tanks shall be pumped out, bottoms ruptured, and filled with clean sand or other suitable material. A permit is required from Manatee County Health Department, unless work is approved by the County Public Works.

**E. TRAFFIC CONDITIONS:**

1. A northbound 360-foot left-turn lane into the proposed northern entrance from 30th Street East shall be provided and shown on the construction plans and completed prior to the issuance of the Certificate of Occupancy (C.O.).

2. A southbound right-turn lane (a minimum of 150 feet) into the proposed northern entrance from 30th Street East shall be provided and shown on the construction plans and completed prior to the issuance of the C.O.

3. The Charter School's drop-off and pick-up circulation pattern shall enter at the proposed northern access and exit at the southern access to mitigate traffic impacts.

4. When student enrollment reaches 650 students or queuing has been observed to stack out of either of the proposed turn lanes on 30th Street East, at the site's entrance, (whichever comes first) the Traffic Engineering Division shall be notified in order to re-evaluate and determine the need and requirement for staggered arrival and dismissal times.

5. All signage, pavement markings, equipment and pedestrian crossing pavement markings (if needed) for a school zone associated with this project shall be designed by the applicant and approved by the Traffic Engineering Division during construction plan review and installed by the school prior to the issuance of the C.O.

**REMAINING ISSUES OF CONCERN – NOT RESOLVED OR STIPULATED**

None.

| COMPLIANCE WITH LDC | | | | |
|---|---|---|---|---|
| Standard(s) Required | Design Proposal | Compliance | | Comments |
| | | Y | N | |
| BUFFERS | | | | |
| 20' wide along 30th Street East | 10' to 20' | Y | | Specific Approval requested for varied width buffer along 30th Street East |
| 10' wide along perimeters | 10' | Y | | |
| Buffer Landscaping | Yes | Y | | Meets or exceeds minimum standards. |
| SIDEWALKS | | | | |
| 5' wide sidewalk on west side of 30th St. E. | 5' wide sidewalk on west side | Y | | Sidewalk existing on east side. |
| ROADS & RIGHTS-OF-WAY | | | | |
| 24' Internal driveways | 24' | Y | | |
| Dedicate ROW on 30th St. E. | 12' | Y | | |
| Dedicate ROW on U.S. 301. | | Y | | No additional R/W required on U.S. 301. |

**COMPLIANCE WITH THE LAND DEVELOPMENT CODE**
**Factors for Reviewing Proposed Site Plans (Section 508.6)**
**Planned Districts - Rezone Review Criteria (Section 603.4)**

**Physical Characteristics:**

The vacant site is a division of an overall 63.82± acre site previously rezoned to PDR [PDR-06-40(Z)(P), Manatee Cove] in 2007. That project was not constructed. The Preliminary Site Plan expired on June 12, 2010.

There are no wetlands on the site.

**Public Utilities, Facilities and Services:**

The project will utilize county water and sewer. There is a 36-inch water main along 38th Avenue East. A 24-inch water main and six-inch sewer force main are along 30th Street East.

**Major Transportation Facilities:**

The site has 585± feet of frontage along 30th Street East. The site plan indicates a 12-foot right-of-way dedication for 30th Street East to meet the 84-foot requirement.

The school site is south of the proposed 44th Avenue East Extension. There is a 3.4± acre parcel between the school site and the proposed 44th Avenue East Extension. 38th Avenue East is farther north. The western boundary of the school site is adjacent to the future Right-of-Way boundary associated with future interchange improvements at 44th Avenue East and U.S. 301, a limited access facility.

The initial intent with construction of 44th Avenue East is to create a signalized intersection with U.S. 301. As future traffic volume dictates, a grade separation (urban diamond interchange) would become necessary. The western boundary of the project does not presently lie along any existing ROW. The acquisition of ROW for future 44th Avenue Extension and improvements is currently in Property Management's appraisal stage.

**Compatibility:**

The site is in an area which is mostly residential. PDR zoning can be found to be compatible and appropriate with the existing development patterns and zoning of nearby properties.

Special Approval is required for a project exceeding 30,000 square feet in the RES-9 FLUC. Special Approval may be acquired through the planned development process which allows the BOCC to approve stipulations to ensure compatibility with surrounding zoning and land uses and address any specific issues related to the development.

**Transitions:**

Uses along this segment of 30th Street East are transitioning from agriculture to residential. The proposed residential support use is appropriate in a PDR zoning district because the proposed use can be designed to provide a transition between the residential uses and an arterial roadway.

**Design Quality:**

A 76,438 square foot, two-story building will be constructed in the southern part of the site. The recreation area will be constructed west and north of the building. The associated parking spaces are shown adjacent to the east sides of the building facing 30th Street East.

25% or 3.75± acres of the site are required to be designated as open space. 37% or 5.55± acres are provided. The applicant proposes landscaping in the vehicle use area, as well as required perimeter and roadway buffers.

There is a large stormwater facility in the western part of the site.

**Relationship to Adjacent Property:**

The site is in an area that is mostly residential. The northern boundary is adjacent to vacant property. Farther north is the proposed 44th Avenue East extension. The southern boundary is adjacent to vacant land and a large borrow pit. Farther south are residential homes in

Candlewood Subdivision. To the east, across 30th Street East, is a church and residential homes in Wallingford Subdivision. Highland Ridge Subdivision is to the northeast and Manatee Oaks Subdivision to the southeast. A small strip of land (not included with this project) separates the site from U.S.301.

The school site wraps around the north, south, and west boundaries of a small parcel (PI#16846.0000/8), owned by the City of Bradenton. The location of this parcel makes it difficult to provide a continuous buffer and sidewalk along the west side of 30th Street East. The City has allowed the school use of their property for sidewalk and driveway purposes subject to conditions and their approval at Final Site Plan stage. Staff recommends the inclusion of a stipulation for the City's review and acceptance.

**Access:**

The site is east of U.S. 301 (Arterial) and on the west side of 30th Street East. There are two proposed access points connecting 30th Street East. The access to the north will become a future shared access with an adjacent parcel.

**Streets, Drives, Parking and Service Areas:**

No new streets are proposed. Ingress and egress are via two entrances connecting 30th Street East. The first entrance is adjacent to the northern boundary. North of the building the two-lane drive extends westward, then south and east, around the building and recreation area to the parent drop-off and pick-up area to the south. The drive accommodates vehicle stacking and queuing.

The second entrance is south of the school building and has three lanes connecting 30th Street East. One lane is for inbound traffic to the school and two lanes are for outbound traffic leaving the site. The entrance driveway is approximately nine feet from the southern property line. Specific Approval is required for a reduction of the required 15-foot setback for driveways (LDC 711.4.4).

LDC Figure 710.1.6 (9) requires the preparation of an independent parking study to analyze the parking requirements for schools. The site plan shows 146 parking spaces to be provided. 143 parking spaces are required based on the Parking Study submitted by the applicant.

**Pedestrian Systems:**

Five-foot wide sidewalks are proposed along the west side of 30th Street East. There is an existing five-foot wide sidewalk along the east side of 30th Street East from 38th Avenue East to 51st Avenue East.

**Natural and Historic Features, Conservation and Preservation Areas:**

There are no known historic or archaeological resources or existing trees on the site. 37% open space is proposed.

**Intensity:**

The proposed Floor Area Ratio (FAR) of 0.12 is below the maximum FAR (0.23) allowed for the RES-9 FLUC.

**Height:**

The Preliminary Site Plan indicates a maximum height of 35 feet not including architectural features such as towers, copulas, facades, spires and parapets. These features may extend to 38± feet. This height should not create any external impacts that would adversely affect the surrounding developments. Staff believes that the proposed building is compatible with the nearby surrounding developments and provides a desirable transition from U.S. 301.

**Fences and Screening:**

A ten-foot wide perimeter landscaped buffer is proposed along the north and south property lines. The applicant requests Specific Approval for a varied width roadway buffer ranging from ten (10) feet to more than twenty (20) feet along 30th Street East and U.S. 301.

**Yards and Setbacks:**

The minimum setbacks for the project in PDR zoning district are shown in the chart below:

| Yards and Setbacks | | | | |
|---|---|---|---|---|
| Type | Front | Front (adjacent to 30th Street E.) | North side | East side |
| Building | 25' | 25' | 10' | 10' |
| Water | 30' | | | |

**Trash and Utility Plant Screens:**

The site plan shows a designated area for the dumpster in the front yard. Specific Approval is required and requested because LDC Section 728 prohibits the placement of dumpsters in front yards. Additionally, the applicant has agreed to screen the dumpster with materials matching the school building. A stipulation is included in the staff report.

**Signs:**

Signs will be reviewed with the future Building Permit.

**Landscaping:**

Landscaping details will be reviewed and approved with the Final Site Plan and will be in accordance with LDC Section 714 and 715. Pursuant to staff's recommendation, the applicant is requesting Specific Approval for an alternative to LDC Section 714.8.7 to allow

replacement tree sizes in line with proposed LDC amendments to the Landscaping Section of the LDC.

## COMPLIANCE WITH THE COMPREHENSIVE PLAN

**The site is in the RES-9 Future Land Use Category. 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 mostly by single-family residential uses.

**Policy 2.2.1.13.1 Intent.** The intent of the RES-9 is to provide for a complement of residential support uses normally utilized during the daily activities of residents of these urban areas.

**Policy 2.2.1.13.2 Range of Potential Uses.** Schools and low intensity recreational uses are in the range of potential uses.

**Policy 2.2.1.13.3 Range of Potential Density/Intensity:** The maximum floor area ratio for RES-9 is 0.23. A floor area ratio of 0.12 is proposed.

**Policy 2.6.1.1 Compatibility.** The proposed design and use is compatible with surrounding developments.

**Policy 2.6.5.4 Preserve/Protect Open Space.** The site plan shows 37% open space (5.55 acres). 25% (3.75 acres) open space is required.

## CONCURRENCY

**CLOS APPLIED FOR: Yes**
**TRAFFIC STUDY REQ'D: Yes**

| NEAREST ROADWAY | LINK(S) | ADOPTED LOS | IMPROVEMENTS REQUIRED Y/N |
|---|---|---|---|
| 30th St. E. | From 38th Ave. E. to 53rd Ave. E. (link 5020) | D | Traffic Study not yet completed |
| 38th Ave. E. | From U.S. 301 to 37th St. E. (Link 1640) | D | Traffic Study not yet completed |
| 51st Ave. E. | From U.S. 301 to 33rd St. E. | D | Traffic Study not yet completed |

**REQUIRED IMPROVEMENTS: Staff raised concerns relative to potential operational issues with respect to traffic queuing on-site and stacking on 30th Street East. Staff recommends the following transportation-related stipulations at this stage.**

1. A northbound 360-foot left-turn lane into the proposed northern entrance from 30th Street East shall be provided prior to the Certificate of Occupancy (C.O.).

2. A southbound 185-foot right-turn lane into the proposed northern entrance from 30th Street East shall be provided prior to C.O.

3. The Charter School's drop-off and pick-up circulation pattern shall enter at the proposed northern access and exit at the southern access to mitigate traffic impacts.

4. When student enrollment reaches 650 students or queuing has been observed to stack out of either of the proposed turn lanes on 30th Street East, at the site's entrance, the Traffic Engineering Division shall be notified in order to re-evaluate and determine the need and requirement for staggered arrival and dismissal times.

5. All signage, pavement markings, equipment and pedestrian crossing pavement markings (if needed) for a school zone associated with this project shall be designed by the applicant and approved by the Traffic Engineering Division during construction plan review and installed by the school prior to the issuance of the C.O.

**Wastewater and potable water to be determined with FSP/Construction Plans**

## SPECIFIC APPROVALS – ANALYSES, RECOMMENDATIONS, FINDINGS

**Sections 603.3 of the Land Development Code (LDC) allows the Board of County Commissioners to make specific modifications to the general zoning and subdivision regulations, where the Board of County Commissioners makes a written finding that the public purpose of the regulations is satisfied to an equivalent or greater degree.**

1. **Request:**

   LDC Section 711.4.4 requires driveways to be 15 feet from the property line. The applicant requests the southern driveway be constructed nine feet from the adjacent property line.

   **Staff Analysis and Recommendation:**

   The Preliminary Site Plan shows the southern driveway will be constructed nine feet from the southern boundary of the site. By reducing the setback distance, the necessary turning lanes can be incorporated into the design. Also, the driveway can be properly aligned with 45th Way East, a local road across 30th Street East. Staff recommends approval of the design to allow the reduced driveway setback.

**Finding for Specific Approval:**

Notwithstanding the failure of this plan to comply with the requirements of LDC Section 711.4.4, the Board finds that the purpose of the LDC regulation is satisfied to an equivalent degree by the proposed design because adequate traffic circulation and turning movements are incorporated in the design to address safety concerns.

2. **Request:**

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, they provide more tree canopy sooner. The LDC is slated to reflect the smaller replacement tree sizes with the upcoming amendment to Section 714 (Tree Protection).

**Finding for Specific 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.

3. **Request:**

LDC Section 728.5.1.2 prohibits a dumpster or compactor in the front yard of any lot. The applicant requests the dumpster location in the front yard.

**Staff Analysis and Recommendation:**

According to the applicant, the site is efficiently sized to allow only for the school improvements. There is not a lot of excess space. Due to the proposed design, the only location reasonably suited for the dumpster is in the front yard. The dumpster is outside of the required front yard. The dumpster screening will match the materials of the main building and be undetectable as a dumpster facility from 30th Street East.

Staff concurs with the applicant's synopsis. Additionally, the dumpster is placed in a location that will provide maneuverability for a lift truck. Staff recommends approval with a stipulation that the dumpster's screening materials match the main building.

**Finding for Specific Approval:**

Notwithstanding the failure of this plan to comply with the requirements of LDC Section 728.5.1.2, the Board finds that the purpose of the LDC regulation is satisfied to an equivalent degree because there is adequate screening proposed and maneuverability for a lift truck which meets the intent of the LDC.

4. **Requests**

LDC Sections 603.7.4.1 and 715.3.2.a.1 requires a 20-foot wide roadway buffer along 30th Street East. The applicant requests a variable width roadway buffer along 30th Street East.

**Staff Analysis and Recommendation**

The site plan shows a roadway buffer width ranging from 10 feet to more than 20 feet wide along 30th Street East. Most of the reduction will occur at the north end of the site where a stormwater facility for the 44th Avenue Extension improvement and a left-turn lane for 30th Street East is planned. The reduced ten-foot wide buffer will extend from the southern edge of the northern driveway to the north end of the driveway to the south, minus the City of Bradenton's property.

Due to roadway improvements associated with the proposed 44th Avenue Extension along this segment of 30th and the north end of the site, the provision for a continuous 20-foot wide buffer cannot be provided.

The existing residential developments on the east side of 30th Street East have established roadway buffers with solid walls. A ten-foot wide buffer is a functional width. It is all that is required for development in a standard zoning district. Based on this information, Staff believes the proposed varied width buffer will adequately serve to minimize any negative effects of external impacts associated with traffic, noise, or lighting.

**Finding for Specific Approval:**

Notwithstanding the failure of this plan to comply with the requirements of LDC Section 603.7.4.1 and 715.3.2.a.1, the Board finds that the purpose of the LDC regulation is satisfied to an equivalent degree because the varied width buffer will adequately serve to minimize any negative effects of external impacts associated with traffic, noise, or lighting.

5. **Request:**

LDC Section 715.3.1.d requires no more than ten (10) consecutive parking spaces without an interior landscape island." The applicant requests eleven (11) consecutive parking spaces without a terminal island in two different locations of the vehicle use

areas.

**Staff Analysis and Recommendation:**

According to the applicant, the parking configuration is needed to accommodate the design and maintain all of the designated parking spaces in front of the building. This helps to improve circulation and safety at the drop-off/pick-up area for students.

Staff supports the groupings of more than 10 spaces without an interior island for this project. The intent of the LDC is that the design provides adequate parking, and safe and convenient access to the building and general facilities.

LDC Figure 710.1.6 (9) requires the preparation of an independent parking study to analyze the parking requirements for schools. The site plan shows 146 parking spaces to be provided. 143 parking spaces are required based on the Parking Study submitted by the applicant.

The configuration of the parking spaces to allow one additional space without a terminal island in two groupings of parking will not change the number of parking spaces provided. Staff recommends approval.

**Finding for Specific Approval:**

Notwithstanding the failure of this plan to comply with the requirements of LDC Section 715.3.1.d, the Board finds that the purpose of the LDC regulation is satisfied to an equivalent degree because there is adequate parking provided and safe and convenient access to the building and general facilities.

**ATTACHMENTS**

1. **Applicable Comprehensive Plan Policies**
2. **Request for Specific Approval**
3. **Copy of Newspaper Advertising**

| APPLICABLE COMP PLAN POLICIES | | |
|---|---|---|
| Policy: | 2.1.2.7 | Review all proposed development for compatibility and appropriate timing. This analysis shall include:<br><br>- consideration of existing development patterns,<br>- types of land uses,<br>- transition between land uses,<br>- density and intensity of land uses,<br>- natural features,<br>- approved development in the area,<br>- availability of adequate roadways,<br>- adequate centralized water and sewer facilities,<br>- other necessary infrastructure and services.<br>- limiting urban sprawl<br>- applicable specific area plans<br>- (See also policies under Objs. 2.6.1 - 2.6.3) |
| Policy: | 2.2.1.13 | **RES-9:** Establish the Residential-9 Dwelling Units/Gross Acre future land use category as follows: |
| Policy: | 2.2.1.13.1 | 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-moderate urban, or clustered 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 urban areas. |
| Policy: | 2.2.1.13.2 | 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: | 2.2.1.13.3 | Range of Potential Density/Intensity:<br><br>Maximum gross residential density:<br>9 dwelling units per acre<br><br>Minimum Gross Residential Density: 7.0 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:
16 dwelling units per acre

20 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 2.3.1.5 and 4.3.1.5)

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

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

Policy: 2.2.1.13.4

Other Information:

a) All mixed and multiple-use projects shall 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 6 dwelling units per acre, or in which any net residential density exceeds 9 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, 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).

| | | |
|---|---|---|
| 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:<br><br>- use of undisturbed or undeveloped and landscaped buffers<br><br>- use of increased size and opacity of screening<br><br>- increased setbacks<br><br>- innovative site design (which may include planned development review)<br><br>- appropriate building design<br><br>- limits on duration/operation of uses<br><br>- noise attenuation techniques<br><br>- limits on density and/or intensity [see policy 2.6.1.3]<br><br>Implementation Mechanism(s):<br><br>a) Maintain setback, screening, buffering, and other appropriate mitigation techniques in land development regulations.<br><br>b) Planning Department review of development approvals to ensure policy compliance. |
| Policy: | 2.6.1.2 | Require the use of planned unit development, in conjunction with the mitigation techniques described in policy 2.6.1.1, for projects where project size requires the submittal of a site development plan in conformance with the special approval process in order to achieve compatibility between these large projects and adjacent existing and future land uses. |
| Policy: | 2.6.2.1 | Limit location of new residential development and residential support uses adjacent to intensive and incompatible agricultural operations. |

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January 23, 2012

Ms. Stephanie Moreland, Planner
Manatee County Planning Department
P.O. Box 1000
Bradenton, FL 34206-1000

Re: Charter USA School {PDR-12-01(P) DTS #20110358(1)
Specific Approval Requests

Dear Stephanie:

This letter is written in accordance with Section 603.3.2 of the Land Development Code to request Specific Approval for alternatives to standard Land Development Code requirements for a Planned Development project. On behalf of the Ryan Group, Inc., King Engineering Associates respectfully requests approval of the following:

**1. Section 728.5.1.2 – Dumpster Siting.**

Section 728.5.1.2 prohibits dumpsters in the front yard, unless there is no reasonable alternative. This section of the Code reads:

*728.5.1.2. Siting. No dumpster or compactor shall be located in the front yard of any lot. Exceptions may be made for corner lots where no reasonable alternative location is available, except that minimum district front yard setbacks shall be maintained. All dumpsters, pads and associated screening shall be setback a minimum of ten (10) feet from side and rear lot lines. Dumpster and compactor pads must be located to provide adequate maneuverability for the lift truck length of forty (40) feet and an additional forty (40) feet for backing and turning. The siting for waste storage facilities and dumpster pads shall not encroach upon a parking space, pedestrian walkway, landscaped area, fire lane, driveway entrance, rights-of-way, visibility triangle, or easement. The turning radii for the waste hauler at the waste storage facility or dumpster pad shall not encroach upon a parking space, pedestrian walkway, landscape area, driveway entrance or rights-of-way.*

*Businesses such as gas stations that have canopies must provide direct access to the dumpsters that is not under or within ten (10) feet of the canopy. All dumpsters and associated screening which consist of combustible fencing around the dumpster pad shall have a minimum separation from the nearest building or building overhang of ten (10) feet. Large commercial/industrial dumpsters, such as 20 or 40 yard containers may require a larger separation due to Building and Fire Codes. This minimum separation may be reduced or waived if the dumpster is protected by one or more fire sprinkler heads of a fire sprinkler system designed in accordance with sound engineering*

*practices and as approved by Fire Marshall. All dumpsters shall be screened from view with a minimum six (6) foot opaque fence. Screening and construction requirements for compactors and vertipack units will be addressed on a case by case basis. The contractor shall provide an accessible site that does not cause obstruction of or damage to existing County roads or rights-of-way."*

The site is efficiently sized to allow only for the school improvements and there is not a lot of excess space. Due to the proposed design, the only location reasonably suited for the dumpster is in the front yard. It should be noted that the dumpster is outside of the required front yard. The property owner plans a dumpster screen that matches the materials of the main building and it will blend with the development and be undetectable as a dumpster facility from 30th Street East.

**2. Tree Replacement.**

Section 714.8.7 of the LDC requires replacement tree calipers to be three, five, or seven inches depending on the size of the tree removed. This section of the LDC reads as follows:

*When trees are removed with an approved tree: removal permit, such trees shall be replaced as follows:*

| *Existing Tree Size* | *Required Replacement Caliper Minimum* | *Ratio of Replacement Trees to Removed Trees* |
|---|---|---|
| *4"–15" D.B.H.* | *3"* | *1:1* |
| *16"–30" D.B.H.* | *5"* | *2:1* |
| *Over 30" D.B.H.* | *7"* | *3:1* |

Staff suggested that we request Specific Approval to reduce the size of required replacement trees so that the future tree replacement on-site will align with the planned Code revisions. Our request is 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; and therefore, provide more tree canopy sooner than when the larger trees are planted on site. This request aligns with the smaller replacement tree sizes planned with the upcoming amendment to Section 714.8.7.

**3. Driveway Setback.**

Section 711.4.4 requires a minimum distance between driveways and also between driveways and lot lines. It reads as follows:

*"711.4.4.Minimum Distance Between Driveways. No driveway shall be closer to another driveway, whether on the same or adjoining lots, than as provided below, nor shall any driveway be closer to a lot line, measured along the street line, than one-half (½) the distance provided below, unless the driveway serves the adjoining lot as well. A cooperative driveway for two adjoining contiguous lots may be approved upon submission of recorded easements to the Transportation Director indicating passage over the adjoining lot. Based on a review of the location, traffic and other site conditions, the Transportation Director will either approve or disapprove the request."*

| Street Classification | Distance Between Driveways |
|---|---|
| Arterial | 40 feet |
| Major Collector | 30 feet |
| Minor Collector and all other roadways | 25 feet |

The LDC requires a 15 foot setback between the southern driveway and the southern property lines, and the site design provides only for a 9' setback. The driveway is shown on the plan at this setback in order to properly align with 45th Way East, located on the east side of 30th Street East. It was agreed between staff and the applicant that properly aligning these two roadways was more important than meeting the setback from the southern property boundary.

**4. Variable Width Roadway Buffer.**

The applicant requests an alternative to the requirements of Section 715.3.2.a.1, to allow for a variable width buffer along 30th Street East. Section 715.3.2.a.1 reads as follows:

*Roadway Buffers.*
*Required for multi-family and non-residential projects • along all roadways.*
*Required for single-family projects abutting thoroughfares only.*

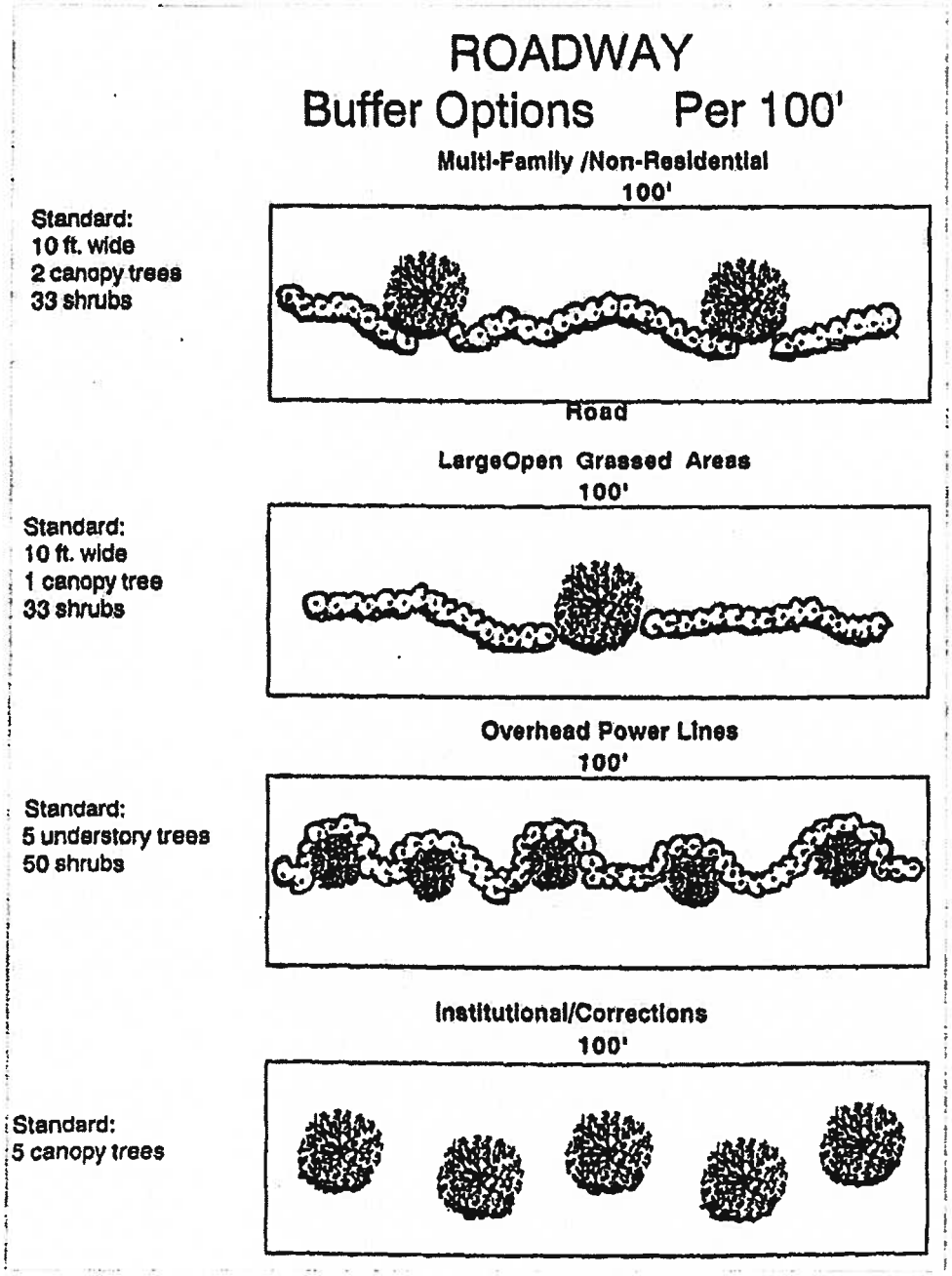
*"A. Reverse frontage lots shall be provided adjacent to major thoroughfares. A twenty (20) foot wide buffer shall be provided along rear property lines abutting right-of-way. Additional lot depth of twenty (20) feet shall be provided to accommodate such buffer when adjacent to collectors, arterials or other thoroughfares.*

*See Figure 715.B for requirements. •*

*If fences are used, required landscaping shall be • located on the exterior, facing the roadway, or adjacent property.*

*For hedges within roadway buffers, the shrubs shall • reach a height of three (3) feet within two (2) years.*

*For roadway buffers that contain overhead power lines, • the requirement for canopy trees may be reduced to allow understory trees as shown in Figure 715.B."*



The site plan shows a roadway buffer along 30th Street East that ranges from 10-feet wide to more than 20-feet wide. Due to the improvements needed on the north end of the site, it is not possible to provide the full 20' buffer for this portion of the buffer. In order to meet the Code standard to an equivalent degree, the applicant plans to provide an equivalent amount of buffer area based on the square footage of the buffer normally required, and the full amount of landscaping required by the LDC.

5. **Section 715.3.1.d Minimum Required Landscaping for Vehicular Use Area**

Section 715.3.1.d requires that no more than 10 parking spaces in row be allowed without a landscape island. The Code regulation reads,

*"d. No more than ten (10) consecutive parking spaces shall be allowed without an interior landscape island."*

The applicant requests Specific Approval to allow 11 consecutive parking spaces in two different locations. This is needed to accommodate the planned design of the site and maintain all of the designated parking stalls in front of the building, thereby improving circulation and safety at the drop-off/pick-up area for the students. This design flexibility will improve the circulation safety and allow the Board to find that the regulation has been met to an equivalent standard.

Thank you for carefully considering our requests, and don't hesitate to contact me at 941-358-6500 should you need additional information or have questions.

Respectfully submitted,

Misty Servia, AICP
Planning Dept. Manager

MMS/dck

# Copy of Newspaper Advertising

## Bradenton Herald

**NOTICE OF ZONING CHANGES IN UNINCORPORATED MANATEE COUNTY**

OTICE IS HEREBY GIVEN, at the **Planning Commission Manatee County will con- ıct a Public Hearing on ıursday, February 9, 2012 at 00 a.m. at the Manatee ounty Government dministrative Center, 1st oor Chambers, 1112 Manatee venue West, Bradenton, orida** to consider, act upon, ıd forward a recommendation the Board of County ommissioners on the following atters:

**DA-09-03 (R) - FIRST MENDMENT TO LOCAL EVELOPMENT AGREEMENT OR SILVERLEAF EVELOPMENT**

equest: Approval of a an mendment to a Local evelopment Agreement pro- ding for the issuance of a cer- icate of level of service com- iance which will not extend eyond June 10, 2023; provid- g for dedication of right-of- ay and the payment of a pro- ortionate share of the cost to itigate impacts on public icilities; providing for design, ermitting and construction of oject entrance improvements cluding turn lanes; providing r severability, and providing r an effective date. The ocal Development Agreement oplies to Silverleaf for which oproval is sought pursuant to ending application known as DR-11-14(G) (263.35 ± acres). ıe proposed use of the prop- ties is residential develop- ıent. Pursuant to the pending oning request, Silverleaf is eking approval for 732 single ımily detached residential nits, each with a maximum eight of 35 feet.

**DMU-11-13(G) – MEDALLION OME AT FT. HAMER, LC/WAYNE UNDERHILL / ROSSCREEK**

DTS#20110204)

n Ordinance of the Board of ounty Commissioners of anatee County, Florida, ıgarding land development, oproving a General evelopment Plan for 1,282 ıidential units (702 single- ımily detached (197 platted), 4 single-family attached, 156 ngle-family semi-detached, ıd 250 multi-family units) on oproximately 656± acres on ıe east side of Ft. Hamer oad, south side of Golf ourse Road, and north of ulholland Road; subject to ipulations as conditions of oproval; setting forth findings; oviding a legal description; oviding for severability, and oviding an effective date.

**PDC-11-15(Z)(P) – R & R PROPERTIES, LLC / MYAKKA DOLLAR GENERAL**

An Ordinance of the Board of County Commissioners of Manatee County, Florida, regarding land development, amending the official zoning atlas (Ordinance No. 90-01, the Manatee County Land Development Code) relating to zoning within the unincorporated area; providing for the rezoning of approximately 1.2 acres on the south side of S.R.70 East, approximately _ mile west of Wauchula Road, at 36750 S.R.70 East Myakka; from the VIL (Village) and A-1 (Suburban Agriculture) zoning districts to PDC (Planned Development Commercial) zoning district; approving a Preliminary Site Plan for a 9,002 square foot Commercial Retail Establishment; subject to stipulations as conditions of approval; setting forth findings; providing for severability; providing a legal description, and providing an effective date.

**PDR-12-01(P) - B&H CATTLE COMPANY/CHARTER SCHOOL, USA**

An Ordinance of the Board of County Commissioners of Manatee County, Florida, regarding land development, approving a Preliminary Site Plan for a 76,438 square foot Elementary and Middle Charter School with associated low intensity recreational uses on the east side of U.S. 301 and west side of 30th Street East, approximately 1,809 feet south of 38th Avenue East, and 393 feet south of the proposed 44th Avenue East, at 4550 30th Street East, Bradenton; subject to stipulations as conditions of approval; setting forth findings; providing for severability; providing a legal description, and providing an effective date.

All interested parties are invited to appear at this public hearing and be heard, subject to proper rules of conduct. Additionally, any written comments filed with the Director of the Building and Development Services Department will be heard and considered by the Planning Commission and entered into the record.

It is important that all parties present their concerns to the Planning Commission in as much detail as possible. The issues identified at the Planning Commission hearing will be the primary basis for the final decision by the Board of County Commissioners. Interested par ties may examine the Official Zoning Atlas, the applications, related documents, and may obtain assistance regarding these matters from the Manatee County Building and Development Services Department, 1112 Manatee Avenue West, 2nd Floor, Bradenton, Florida, telephone number (941) 748-4501x6878; e-mail to: planning.agenda@mymanatee.org

According to Section 286.0105, Florida Statutes, if a person decides to appeal any decision made with respect to any matters considered at such meetings or hearings, he or she will need a record of the proceedings, and for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record would include any testimony or evidence upon which the appeal is to be based.

**Americans With Disabilities:** The Board of County Commissioners of Manatee County does not discriminate upon the basis of any individual's disability status. This non-discrimination policy involves every aspect of the Board's functions including one's access to and participation in public hearings. Anyone requiring reasonable accommodation for this meeting as provided for in the ADA, should contact Kaycee Ellis at 742-5800; TDD ONLY 742-5802 and wait 60 seconds, or FAX 745-3790.

THIS HEARING MAY BE CONTINUED FROM TIME TO TIME PENDING ADJOURNMENTS.
MANATEE COUNTY PLANNING COMMISSION
Manatee County Building and Development Services Department
Manatee County, Florida
**01/25/2012**

## Sarasota Herald Tribune

**NOTICE OF ZONING CHANGES IN UNINCORPORATED MANATEE COUNTY**

NOTICE IS HEREBY GIVEN, that the Planning Commission of Manatee County will conduct a Public Hearing on Thursday, February 9, 2012 at 9:00 a.m. at the Manatee County Government Administrative Center, 1st Floor Chambers, 1112 Manatee Avenue West, Bradenton, Florida to consider, act upon, and forward a recommendation to the Board of County Commissioners on the following matters:

LDA-09-03 (R) - FIRST AMENDMENT TO LOCAL DEVELOPMENT AGREEMENT FOR SILVERLEAF DEVELOPMENT
Request: Approval of a an Amendment to a Local Development Agreement providing for the issuance of a certificate of level of service compliance which will not extend beyond June 10, 2023; providing for dedication of right-of-way and the payment of a proportionate share of the cost to mitigate impacts on public facilities; providing for design, permitting and construction of project entrance improvements including turn lanes; providing for severability, and providing for an effective date. The Local Development Agreement applies to Silverleaf for which approval is sought pursuant to pending application known as PDR-11-14(G) (263.35 ± acres). The proposed use of the properties is residential development. Pursuant to the pending zoning request, Silverleaf is seeking approval for 732 single family detached residential units, each with a maximum height of 35 feet.

PDMU-11-13(G) – MEDALLION HOME AT FT. HAMER, LLC/WAYNE UNDERHILL/CROSSCREEK (DTS#20110204)
An Ordinance of the Board of County Commissioners of Manatee County, Florida, regarding land development, approving a General Development Plan for 1,282 residential units (702 single-family detached (197 platted), 174 single-family attached, 156 single-family semi-detached, and 250 multi-family units) on approximately 656± acres on the east side of Ft. Hamer Road, south side of Golf Course Road, and north of Mulholland Road; subject to stipulations as conditions of approval; setting forth findings; providing a legal description; providing for severability, and providing an effective date.

PDC-11-15(Z)(P) – R & R PROPERTIES, LLC/MYAKKA DOLLAR GENERAL
An Ordinance of the Board of County Commissioners of Manatee County, Florida, regarding land development, amending the official zoning atlas (Ordinance No. 90-01, the Manatee County Land Development Code) relating to zoning within the unincorporated area; providing for the rezoning of approximately 1.2 acres on the south side of S.R.70 East, approximately ¼ mile west of Wauchula Road, at 36750 S.R.70 East Myakka; from the VIL (Village) and A-1 (Suburban Agriculture) zoning districts to PDC (Planned Development Commercial) zoning district; approving a Preliminary Site Plan for a 9,002 square foot Commercial Retail Establishment; subject to stipulations as conditions of approval; setting forth findings; providing for severability; providing a legal description, and providing an effective date.

PDR-12-01(P) - B&H CATTLE COMPANY/CHARTER SCHOOL, USA
An Ordinance of the Board of County Commissioners of Manatee County, Florida, regarding land development, approving a Preliminary Site Plan for a 76,438 square foot Elementary and Middle Charter School with associated low intensity recreational uses on the east side of U.S. 301 and west side of 30th Street East, approximately 1,809 feet south of 38th Avenue East, and 393 feet south of the proposed 44th Avenue East, at 4550 30th Street East, Bradenton; subject to stipulations as conditions of approval; setting forth findings; providing for severability; providing a legal description, and providing an effective date.

All interested parties are invited to appear at this public hearing and be heard, subject to proper rules of conduct. Additionally, any written comments filed with the Director of the Building and Development Services Department will be heard and considered by the Planning Commission and entered into the record.

It is important that all parties present their concerns to the Planning Commission in as much detail as possible. The issues identified at the Planning Commission hearing will be the primary basis for the final decision by the Board of County Commissioners. Interested parties may examine the Official Zoning Atlas, the applications, related documents, and may obtain assistance regarding these matters from the Manatee County Building and Development Services Department, 1112 Manatee Avenue West, 2nd Floor, Bradenton, Florida, telephone number (941) 748-4501x6878; e-mail to: planning.agenda@mymanatee.org

According to Section 286.0105, Florida Statutes, if a person decides to appeal any decision made with respect to any matters considered at such meetings or hearings, he or she will need a record of the proceedings, and for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record would include any testimony or evidence upon which the appeal is to be based.

Americans With Disabilities: The Board of County Commissioners of Manatee County does not discriminate upon the basis of any individual's disability status. This non-discrimination policy involves every aspect of the Board's functions including one's access to and participation in public hearings. Anyone requiring reasonable accommodation for this meeting as provided for in the ADA, should contact Kaycee Ellis at 742-5800; TDD ONLY 742-5802 and wait 60 seconds, or FAX 745-3790.

THIS HEARING MAY BE CONTINUED FROM TIME TO TIME PENDING ADJOURNMENTS.
MANATEE COUNTY PLANNING COMMISSION
Manatee County Building and Development Services Department
Manatee County, Florida

Date Pub: January 25, 2012

To:
Cc:
Bcc:
Subject: Fw: Charter School USA

---

From: Robin DiSabatino/MCG
To: "Ed Hunzeker" <ed.hunzeker@mymanatee.org>, "Tedd Williams" <tedd.williams@mymanatee.org>, "Sarah Schenk" <sarah.schenk@mymanatee.org>
Cc: "John Chappie" <john.chappie@mymanatee.org>, "Carol Whitmore" <carol.whitmore@mymanatee.org>, "Larry Bustle" <larry.bustle@mymanatee.org>, "Donna Hayes" <donna.hayes@mymanatee.org>, "Joe McClash" <joe.mcclash@mymanatee.org>, "Michael Gallen" <michael.gallen@mymanatee.org>, "Barbara Tyler" <barbara.tyler@mymanatee.org>
Date: 02/02/2012 10:33 PM
Subject: Fwd: Charter School USA

---

Commissioners,

Please do not respond.

I am sending this information sent to me regarding an upcoming possible rezone.

I have not replied to Mr. Rigo, to avoid any ex parte communications.

Barbara, Yvonne and Shirley, any emails coming to us pertaining to this issue, please respond accordingly.

Robin S. DiSabatino
Manatee County Commissioner
District 4
Post Office Box 1000
Bradenton, Florida. 34206
Cell 941-685-5368
Office 941-745-3713
Robin.DiSabatino@mymanatee.org

Sent from my iPad

Begin forwarded message:

> **From:** "James Rigo" <jbrlandplan@gmail.com>
> **Date:** February 2, 2012 3:34:36 PM EST
> **To:** Doug.Dieck@RyanCompanies.com
> **Cc:** mservia@kingengineering.com
> **Subject: Charter School USA**
>
> Doug:
> It was a pleasure meeting you last night. You and Misty put on a very good presentation and you are fortunate to have her representing Ryan/Charter School USA here in Manatee

County.

I want you to know that I will be a liaison for Wallingford HOA's throughout this process, but promise you that there may be rogue homeowners that will not heed the Board's advice and will likely speak their mind at the upcoming hearings. That can not be helped unfortunately.

I have already told the Board that the preliminary site plan, in my opinion, is fine and I have assured them that they are not looking at the final design. To encapsulate their primary concerns::

1.) Traffic/access: The HOA president is requesting a copy of the traffic study and Misty is working on getting that for me now. I know the peak time/trips a school of this size generates and will explain the impacts to them. I also stressed the possibility of less desirable development going in at this location or a re-application of the prior residential development that included an affordable housing component. I would personally like to see .pdf's of the proposed lane addition along 30th Street East and striping scenarios because, over the years, I have personally seen the county transportation department simply get it wrong and not fix errors after the fact, so it is imperative that we do our best now. We went through these same issues when dealing with the 44th Avenue project last year and this is my greatest concern. I also brought up the potential cross-access (easement) to allow future eastbound 44th traffic to access this site from the adjacent site rather than bringing those trips onto 30th Ave.

2.) Storm drainage: 30th Ave is a drainage nightmare during even a moderate rain event. There is no stormwater ditch on the the west side of the right-of-way and all water sheet flows across 30th Street to the east, or pools on the low points on the road surface. I would be interested to see what is propose drainage-wise for the property frontage. I am curious why the front buffer detention area was eliminated...

3.) Buffering: I am pleased with the buffering/setbacks presented and have expressed that to the HOA Board as well, but I think an elevation drawing of what residents would be seeing from the road, or across the street would be helpful at the hearings.

Their may be more, but this is what we've discussed thus far and wanted to get this to you immediately since things will most likely be moving very fast now.

Thank you.

James B. Rigo
Urban Planner - Site Designer
T: (941) 755-4091
M: (941) 713-2091
JBRLandPlan@gmail.com

# CHARTER SCHOOL AT 30TH STREET EAST

## NW CORNER OF 30th STREET EAST & 45th WAY EAST - BRADENTON, FL

# PRELIMINARY SITE PLAN

## AN EDC RAPID RESPONSE PROJECT

PDR-12-01(P)
20120009(1)
B & H Cattle Company/Charter School
USA

## NOTES

**OVERALL PROJECT NOTES FOR SCHOOL PARCEL AND OUTPARCEL:**

1. **TOTAL PROJECT ACREAGE:** 15± ACRES
2. **EXIST. ZONING:** PDR **FUTURE LAND USE CATEGORY:** RES-9
3. **EXISTING USE:** VACANT
4. **SETBACKS** (MINIMUM): FRONT – 25'
   SIDE – 15'
   WATER– 30'
5. **WETLANDS:** THERE ARE NO JURISDICTIONAL WETLANDS LOCATED ON SITE.
6. **HISTORICAL AND ARCHAEOLOGICAL RESOURCES:** NONE KNOWN
7. **FLOOD ZONE:** C **MAP & PANEL #:** 120153–0334C, REVISED JULY 15, 1992.
8. **FLOOD PLAIN:** THE PROJECT IS NOT LOCATED IN THE 25–YEAR AND 100–YEAR FLOODPLAIN.
9. **WELLS:** SEE SURVEY FOR WELLS.
10. **RIGHT-OF-WAY:** SEE PLAN FOR DEDICATION.
11. **LIGHTING:** THE PROJECT MAY INCLUDE LIGHTING, WHICH WILL BE APPROVED WITH THE FINAL SITE PLAN.
12. **UTILITIES:** PROJECT TO INCLUDE COUNTY SANITARY SEWER AND POTABLE WATER, CONSTRUCTED TO COUNTY STANDARDS AND PRIVATELY MAINTAINED. SEE SITE PLAN.
13. **FIRE PROTECTION:** FIRE HYDRANTS SHALL BE LOCATED WITHIN 400' OF THE ENTRANCE OF ANY BUILDING, AND SPACED NO MORE THAN 800' APART.
14. **IRRIGATION:** 100% AUTOMATIC IRRIGATION SHALL BE PROVIDED TO ALL REQUIRED LANDSCAPING MATERIALS THROUGH THE LOWEST QUALITY OF AVAILABLE WATER TO THE PROJECT. THIS WILL BE DETERMINED WITH THE FINAL SITE PLAN. POTABLE WATER WILL NOT BE USED FOR IRRIGATION.
15. **TREE REMOVAL:** TO BE QUANTIFIED WITH THE FINAL SITE PLAN.
16. THIS SITE IS NOT LOCATED IN THE ENTRANCEWAY.
17. THIS SITE IS NOT PARTIALLY LOCATED WITHIN THE CPA, CEA, CSVA AND CHHA AREAS
18. EASEMENTS: TO BE SHOWN WITH FSP.
19. STANDARD HOURS OF OPERATION: 7:30AM – 5:30PM
20. **PROPOSED USE:** ELEMENTARY AND MIDDLE CHARTER SCHOOL (MAX # OF STUDENTS 1140)
21. **GROSS FLOOR AREA:** BUILDING: 63,900 S.F.
    CANOPY: 12,538 S.F.
    TOTAL: 76,438 S.F.
22. **FLOOR AREA RATIO** (FAR): 0.12 (MAX FAR ALLOWED 0.23)
23. MAX BIULDING HEIGHT: 35' – 2 STORIES.
24. SETBACKS PER PLAN.
25. **PHASING:** CONSTRUCTION IS ANTICIPATED TO COMMENCE IN MARCH 2012, AND COMPLETED IN ACCORDANCE WITH THE APPROVED CERTIFICATE OF LEVEL OF SERVICE (CLOS). PROJECT WILL BE BUILT IN ONE PHASE.
26. **LOADING AREAS:** BUS LOADING SHOWN ON PLANS.
27. **SIGNS:** TO BE APPROVED WITH FINAL SITE PLAN.
28. **SOLID WASTE:** COLLECTION VIA AN ON–SITE DUMPSTER. PICKUP BY MANATEE COUNTY.
29. NO FOOD SERVICE (COOKING) PLANNED.
30. THE POTABLE WATER, RECLAIMED WATER AND/OR WASTEWATER FACILITIES SHOWN ARE CONCEPTUAL ONLY AND ARE INCLUDED TO GRAPHICALLY DEMONSTRATE THE INTENT TO COMPLY WITH THE REQUIREMENTS OF SECTION 722 OF THE MANATEE COUNTY LDC. THE SIZE AND LOCATION OF THESE FACILITIES WILL BE FINALIZED DURING THE FINAL SITE/CONSTRUCTION PLAN REVIEW PROCESS.

## SCHOOL OPEN SPACE

**REQUIRED:** 25% OR 3.75 ACRES
**PROVIDED:** 37% OR 5.55 ACRES

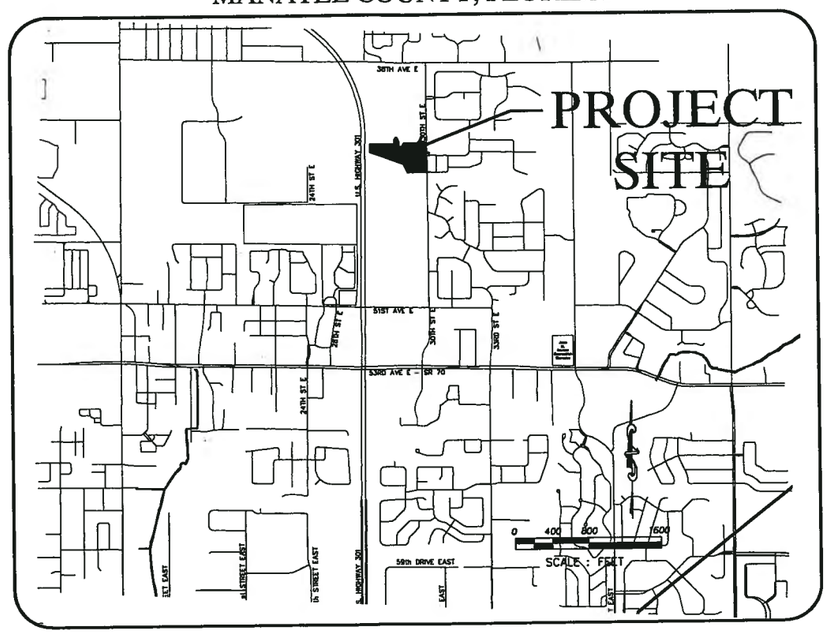
**PERCENTAGE OF OPEN SPACE COMPRISED OF NATURAL OR ARTIFICIAL WATER BODIES.**
MAXIMUM ALLOWED: 75% OF 25% = 2.33 ACRES
PROVIDED: 75% OF 25% = 1.68 ACRES

## SCHOOL PARKING

**PARKING REQUIRED:** SEE PARKING ANALYSIS

**PARKING PROVIDED:** 146 SPACES

SECTION 08, TOWNSHIP 35 S, RANGE 18 E
MANATEE COUNTY, FLORIDA




VICINITY MAP

FOR:

# RYAN COMPANIES US, INC.

101 E KENNEDY BLVD STE 2450
TAMPA, FL 33602-3659

BY:

**King**
ENGINEERING ASSOCIATES, INC.

2930 University Parkway
Sarasota, Florida 34243
Phone 941 358-6500
Fax 941 358-6540
www.kingengineering.com
Engineering License #2610

## DRAWING INDEX


| SHEET | DESCRIPTION |
|---|---|
| 1 | COVER |
| 2 | EXISTING SITE CONDITIONS |
| 3 | PRELIMINARY SITE PLAN |
| 4 | ENGINEERING INTENT PLAN |
| 5 | LANDSCAPE PLAN |


## LEGAL DESCRIPTION

DESCRIPTION (derived from Official Records Book 2267, Page 366, of the Public Records of Manatee County, Florida)

Commence at the Northwest corner of the Northwest 1/4 of the Southwest 1/4 of Section 8, Township 35 South, Range 18 East, Manatee County, Florida; thence S.89°32'54"E., along the North line of said Northwest 1/4 of the Southwest 1/4, 22.01 feet to the intersection with the East right–of–way of U.S. Highway 301; thence S.00°06'07"E., along said East right–of–way, 456.64 feet to the beginning of a DOT limited access right–of–way; thence S.01°32'05"E., along said limited access right–of–way, 77.61 feet for a POINT OF BEGINNING; thence continue S.01°32'05"E., along said right–of–way, 795.44 feet to the North right–of–way line of 51st Avenue East; thence S.89°31'05"E., along said right–of–way, 456.14 feet; thence N.00°45'22"W., parallel with the West line of MANATEE OAKS SUBDIVISION, 780.53 feet to the intersection with centerline of ditch; thence N.79°05'09"W., along said ditch centerline 35.71 feet; thence N.69°17'34"W., along said ditch centerline 82.14 feet; thence N.82°28'59"W., along said ditch centerline 68.44 feet; thence S.84°47'08"W., along said ditch centerline 288.57 feet to the POINT OF BEGINNING.

AND

Commence at the Northwest corner of the Northwest 1/4 of the Southwest 1/4 of Section 8, Township 35 South, Range 18 East, Manatee County, Florida; thence S.89°32'54"E., along the North line of said Northwest 1/4 of the Southwest 1/4, 22.01 feet to the intersection with the East right–of–way of State Road 683 (U.S. Highway 301); thence S.00°06'07"E., along said East right–of–way as described in Official Records Book 875, Page 181, of the Public Records of Manatee County, Florida, 456.64 feet to the beginning of a Florida DOT limited access right–of–way for said State Road 683; thence S.01°32'05"E., along said limited access right–of–way, 72.61 feet to the intersection with the centerline of an existing ditch; thence continue S.01°32'05"E., along said limited access right–of–way, 795.44 feet to the intersection with the North maintained right–of–way line of 51st Avenue East; thence S.89°31'05"E, along said maintained right–of–way line, 456.14 feet for a POINT OF BEGINNING; thence N.00°45'22"W., parallel with the West line of MANATEE OAKS SUBDIVISION as recorded in Plat Book 22, Pages 107 through 109, aforesaid Public Records, 780.53 feet to the intersection with the centerline of said existing ditch; thence S.83°16'52"E., along said ditch centerline, 93.19 feet; thence S.71°50'38"E., along said ditch centerline, 6.00 feet; thence S.06°32'09"W., 772.71 feet to the POINT OF BEGINNING.

Received
FEB 01 2012
ZONING

| NO. | DATE | DESCRIPTION | APP'D BY |
|---|---|---|---|
| 1 | 1/30/12 | REVISED PER MANATEE COUNTY COMMENTS | |

Jan. 28, 2012

JOB NO. 4178-002-000
DATE: 12/29/11
1

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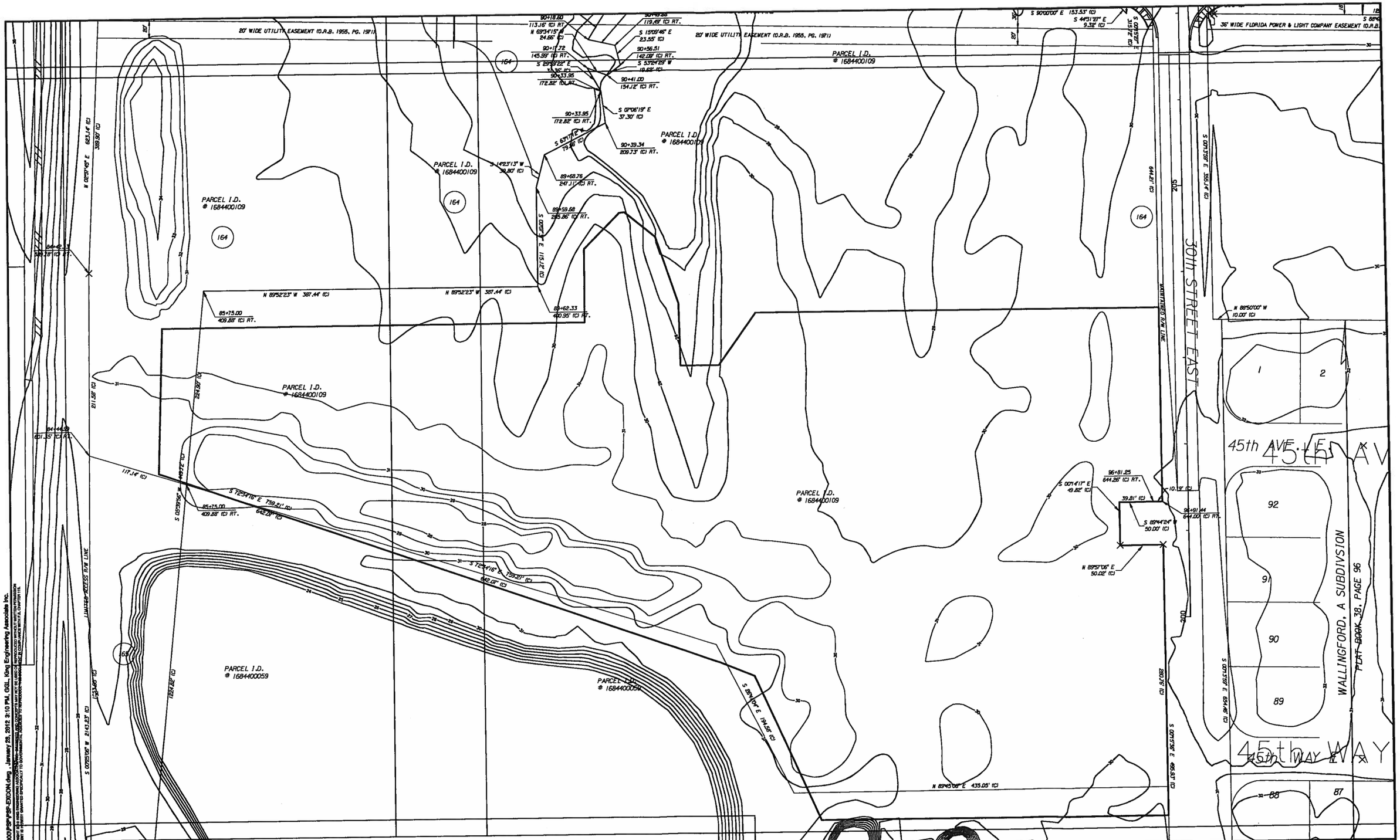


DESIGNED GGL
DRAWN GGL
CHECKED
Q.C.

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# CHARTER SCHOOL AT 30TH STREET EAST

## EXISTING SITE CONDITIONS

| NO. | DATE | DESCRIPTION | APPD BY |
|---|---|---|---|
| 1 | 1/30/12 | REVISED PER MANATEE COUNTY COMMENTS | |

JOB NO. 4178-002-000
DATE 12/15/11
SCALE AS SHOWN
SHEET NO. 2


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PROPOSED 44th AVENUE EAST EXTENSION

0 50 100
SCALE: FEET

PROPOSED WETLAND MITIGATION AREA (BY OTHERS) UNDER ERP# 44035341.000

WETLAND A2

WETLAND A2 JURISDICTIONAL LIMITS AS APPROVED WITH ERP# 44035341.000

30' WETLAND BUFFER (TYP)

U.S. 301 EAST R/W LINE

U.S. 301

PROPOSED POND (BY OTHERS) UNDER ERP# 44035341.000

PROPOSED TOB (BY OTHERS)

PROPOSED U.S. 301 R/W W/44th AVE EAST EXTENSION (BY OTHERS)

LANDSCAPE BUFFER

0.01 AC TEMPORARY BUFFER IMPACT

CONNECT TO WETLAND WITH HAND-DUG SWALE

ZONED PDR VACANT

LANDSCAPE BUFFER

PROPERTY LINE

PROP. LIFT STATION

RESIDENTIAL SINGLE FAMILY

ZONED RSF-4.5

LITTORAL SHELF

10' LANDSCAPE BUFFER

108' X 180' SOCCER FIELD (80% REGULATION SIZE)

253'

10' COVERED CONC SIDEWALK

OSW Y

(ERP 44035341.000)

45th AVENUE EAST

124.0'

EXISTING BRAZILIAN PEPPERS

20'

10' LANDSCAPE BUFFER

TOT LOT

CHARTER SCHOOL AT 30th ST E
2 STORY-BLDG HGT= 35'
76,438 S.F (TOTAL)

204'

2-35' HIGH FLAG POLES

30th STREET EAST

RESIDENTIAL SINGLE FAMILY

222'

LANDSCAPE BUFFER (20' MIN.)

50' R/W

17' R/W DEDICATION

PROPOSED 5' SIDEWALK

10' LANDSCAPE BUFFER

ZONED A-1 VACANT

PROPERTY LINE

LANDSCAPE BUFFER

45th WAY EAST

## PROPOSED LEGEND

| | |
|---|---|
| SPOT ELEVATIONS | XX.XX |
| SWALE | |
| DIRECTION OF FLOW | |
| TOP OF BANK | |
| STORM SEWER | |
| STORM SEWER INLET | |
| FLARED/MITERED END SECTION | |
| WATER/FIRE MAIN | |
| FIRE HYDRANT ASSEMBLY | FHA |
| FORCEMAIN | |
| BORING TYPE & # (ROADWAY OR POND) | SP13 |
| BORING SYMBOL | |

## TYPICAL PARKING SPACE DETAIL

12' 12' 9' MAX. 10 SPACES 10'
5' 19'
LANDSCAPE ISLAND
MIN. 8' INSIDE CURB MEASUREMENT
LANDSCAPE ISLAND

**ALL ELEVATION DATA IS BASED ON NGVD 1929.**

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# CHARTER SCHOOL AT 30TH STREET EAST

## PRELIMINARY SITE PLAN

| NO. | DATE | DESCRIPTION | APPD BY |
|---|---|---|---|

JOB NO. 4178-002-000
DATE 12/15/11
SCALE AS SHOWN
SHEET NO. 3

PROPOSED 44th AVENUE EAST EXTENSION

0 50 100
SCALE: FEET

PROPOSED U.S. 301 R/W W/44th AVE EAST EXTENSION (BY OTHERS)

U.S. 301 EAST R/W LINE

U.S. 301

PROPOSED WETLAND MITIGATION AREA (BY OTHERS) UNDER ERP# 44035341.000

WETLAND A2

WETLAND A2 JURISDICTIONAL LIMITS AS APPROVED WITH ERP# 44035341.000

30' WETLAND BUFFER (TYP)

PROPOSED POND (BY OTHERS) UNDER ERP# 44035341.000

PROPOSED TOB (BY OTHERS)

20'

0.01 AC TEMPORARY BUFFER IMPACT

CONNECT TO WETLAND WITH HAND-DUG SWALE

REMAINDER PARCEL 147,465 SF +/- (3.4 ACRES)

WATER MAIN STUM-OUT FOR FUTURE PARCEL

EXISTING R/W LINE

LANDSCAPE BUFFER

FIRE MAIN CHECK VALVE BFP

FUTURE DRAINAGE STUB-OUT

PROPOSED LIFT STATION

10'

LANDSCAPE BUFFER

PROPERTY LINE

PROP. LIFT STATION

FHA

HP

PROPOSED WATER MAIN CONNECTION TO EXISTING 24" WM

WATER METER ASSEMBLY BACKFLOW PREVENTER

PROPOSED FORCE MAIN CONNECTION TO EXISTING 6" FORCE MAIN

FIRE SPRINKLER LINE

HP

WATER SERVICE

FIRE LINE

LANDSCAPE BUFFER

10'

LITTORAL SHELF

FIRE DEPARTMENT ACCESS GATE (10')

100' X 180' SOCCER FIELD (60% REGULATION SIZE)

HP

10' LANDSCAPE BUFFER

10' CURBED CONC. SIDEWALK

EXISTING ONLY

45th AVENUE EAST

OSW Y

HP

124.0'

FIRE DEPARTMENT ACCESS GATE (10')

EXISTING BRAZILIAN PEPPERS

20'

24'

24'

HP

HP

TOT LOT

254.0'

CHARTER SCHOOL AT 30th ST E
2 STORY-BLDG HGT= 35'
76,438 S.F (TOTAL)

2-35' HIGH FLAG POLES

30th STREET EAST

LANDSCAPE BUFFER

50' R/W

FIRE DEPARTMENT ACCESS GATE (10')

BIKE RACKS

PROPOSED DUMPSTER

10' LANDSCAPE BUFFER

PARKING AREA (SEE "A" AREA)

FHA

HP

HP

45th WAY EAST

PROPERTY LINE

10'

LANDSCAPE BUFFER

## PROPOSED LEGEND

| | |
|---|---|
| SPOT ELEVATIONS | XX.XX |
| SWALE | |
| DIRECTION OF FLOW | |
| TOP OF BANK | |
| STORM SEWER | |
| STORM SEWER INLET | |
| FLARED/MITERED END SECTION | |
| WATER/FIRE MAIN | |
| FIRE HYDRANT ASSEMBLY | FHA |
| FORCEMAIN | |
| BORING TYPE & # (ROADWAY OR POND) | SP13 |
| BORING SYMBOL | |

**ALL ELEVATION DATA IS BASED ON 1988 NAVD.**

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| | |
|---|---|
| DESIGNED | GGL |
| DRAWN | GGL |
| CHECKED | |
| D.C. | |

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Fax 941 358-6540
www.kingengineering.com
Engineering License #2610

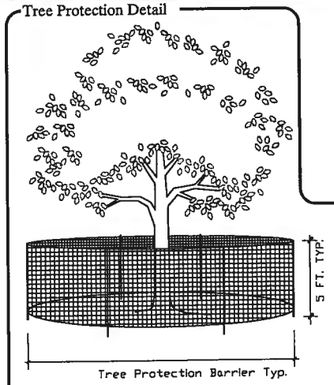
# CHARTER SCHOOL AT 30TH STREET EAST

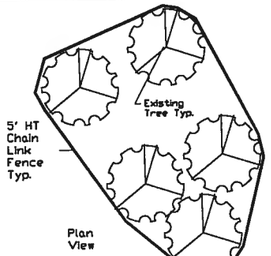
## ENGINEERING INTENT SITE PLAN

| NO. | DATE | DESCRIPTION | APPD BY |
|---|---|---|---|
| 1 | 1/30/12 | REVISED PER MANATEE COUNTY COMMENTS | |

| | |
|---|---|
| JOB NO. | 4178-002-000 |
| DATE | 12/15/11 |
| SCALE | AS SHOWN |
| SHEET NO. | 4 |

## Tree Protection Detail




Notes:
-Tree protection barrier encompasses entire area under dripline.
-Barrier shall be constructed of 5' HT new or used chain link fence with metal posts not to exceed 8' on center, plumb to ground.
-Ribbon or other bright marking mtl. may be attached at top of fence to make it more visible to on-site crews.
-Barrier fencing shall be maintained in place for the full duration of the project.
-No parking or driving of equipment, storage of construction mtls., excavation or any other ground disturbing activity shall occur within the tree protection barrier for the duration of the project.

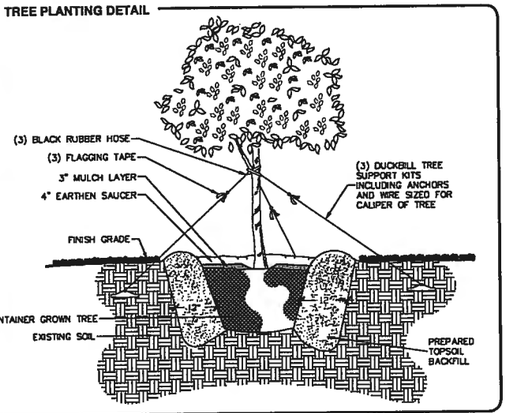
Tree Grouping Notes:
-When protecting groupings, protective barrier shall encompass all of the driplines of the entire group of trees as shown above. No construction activity is allowed within the tree protection barrier area, including driving or parking vehicles, storage of construction materials, or any excavation inside the barrier area for the duration of the project.

## Preliminary Plant List

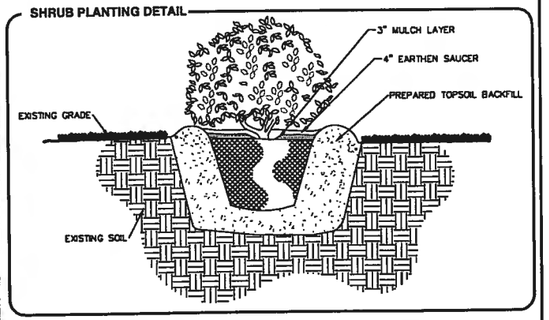
Canopy trees may include:
- Live Oak
- Southern Magnolia
- Red Bay
- Sweetgum
- Bald Cypress
- Palms (Max. less than 10%)

Understory trees may include:
- Dahoon Holly
- East Palatka Holly
- Simpson Stopper

## TREE PLANTING DETAIL




## SHRUB PLANTING DETAIL




## Notes

1. Landscaping to utilize 100% automatic zonally designed Irrigation.

2. *A.* All plant material to be:

- Drought tolerant Florida friendly species
- Minimum Florida Number One Grade
- Appropriate to soil and climate
- Minimum thirty (30%) percent native species
- Low maintenance

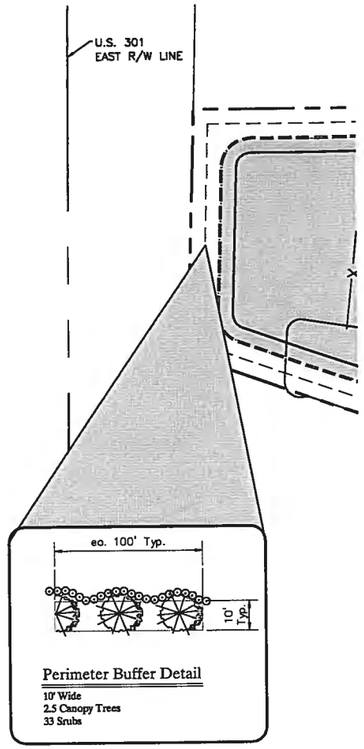
General Notes:
- Xeriscape landscaping is required wherever feasible.
- Must meet the standards of section 713, Visibility Triangles.
- No synthetic/artificial lawns or plants.
- All landscaped areas shall be protected by wheelstops or curbing.
- Areas with planted trees shall be a minimum 8 feet wide (inside curb measurement).
- Existing plant communities designated to remain must be intact and undisturbed; noxious and exotic plants must be removed.
- Preserving native plant communities is encouraged and may be required, as appropriate.
- Native plant communities shall be counted at 1.5 ratio for meeting open space requirements (minimum 1/8 acre in size).
- No parking, loading areas, or buildings shall be placed within any landscape buffers.
- Trees and shrubs shall not be placed within the middle two-thirds (2/3) of any drainage swale or within three (3) feet measured horizontally from the centerline of the drainage swale; whichever is greater. Swales must allow the positive flow of water without any obstruction.
- A maximum of forty (40) percent of all required trees may be palm trees. When palm trees are utilized as canopy trees, a minimum of two (2) palms must be grouped to serve as a canopy tree. Each palm tree group will count as one (1) canopy tree.

*B. Trees.* Trees required under Section 715 shall be in accordance with the following:

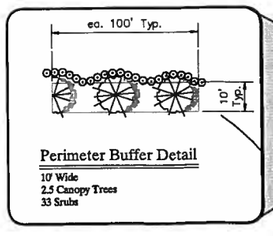
| *MINIMUM SIZE AT PLANTING* | *CANOPY* | *UNDERSTORY* | *PALM* |
|---|---|---|---|
| HEIGHT | 10 FEET | 6 FEET | 15 FEET |
| CALIPER | 2-1/2 INCHES | 1-1/2 INCHES | |
| SPREAD | 4 FEET | | |

*C. Shrubs.* Shrubs required under Section 715 shall be in accordance with the following:

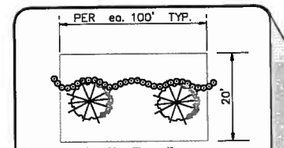
| *MINIMUM SIZE AT PLANTING* | *HEDGE* | *VEHICLE USE AREA ISLANDS* |
|---|---|---|
| HEIGHT | 24 INCHES | 8 INCHES |
| GALLONS | 3 GALLONS | 1 GALLON |



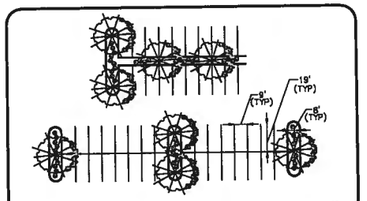

Perimeter Buffer Detail
- 10' Wide
- 2.5 Canopy Trees
- 33 Srubs




Perimeter Buffer Detail
- 10' Wide
- 2.5 Canopy Trees
- 33 Srubs

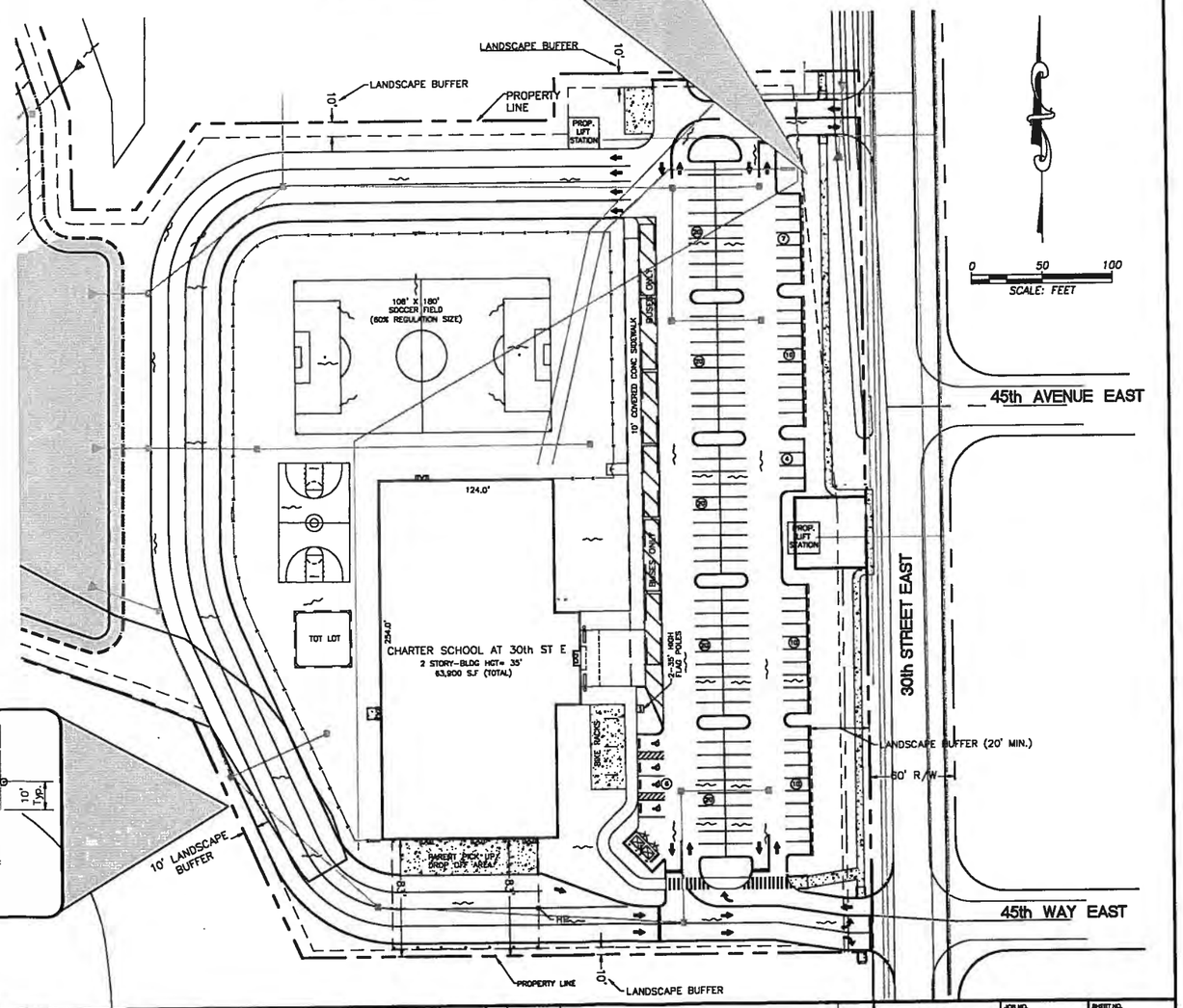



Roadway Buffer Detail
- 20' Wide (Min.)
- 2 Canopy Trees
- 33 Shrubs




Typical Vehicle Use Area Landscaping Detail
- (per 20 parking spaces)
- 360 square feet of planting area
- 4 canopy trees + 20 shrubs

Note: planting quantities in larger islands shall be increased at above plants/360 SF ratio to meet minimum requirements

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| | |
|---|---|
| DESIGNED | GGL |
| DRAWN | GGL |
| CHECKED | |
| Q.C. | |

THE SIGNATURE OF THE QUALITY CONTROL OFFICER IN THIS SPACE INDICATES THAT ALL REQUIRED PERMITS HAVE BEEN OBTAINED AND THAT CONSTRUCTION IS AUTHORIZED TO COMMENCE.

King
ENGINEERING ASSOCIATES, INC.
2930 University Parkway
Sarasota, Florida 34243
Phone 941 358-6500
Fax 941 358-6540
www.kingengineering.com
Engineering License #2610

# CHARTER SCHOOL AT 30TH STREET EAST

## LANDSCAPE PLAN

| NO. | DATE | DESCRIPTION | APPD BY |
|---|---|---|---|
| 1 | 1/30/12 | REVISED PER MANATEE COUNTY COMMENTS | |

| | |
|---|---|
| JOB NO. | 4178-002-000 |
| DATE | 12/29/2011 |
| SCALE | AS SHOWN |
| SHEET NO. | 5 |

# MANATEE COUNTY GOVERNMENT
## *AGENDA MEMORANDUM*

| | | | |
|---|---|---|---|
| **SUBJECT** | PDR-11-14(G) MML I, LLC & PGCI IV, LLC/Silverleaf | **TYPE AGENDA ITEM** | Advertised Public Hearing – Regular |
| **DATE REQUESTED** | 02/09/12 PC | **DATE SUBMITTED/REVISED** | 02/01/12 |
| **BRIEFINGS? Who?** | None | **CONSEQUENCES IF DEFERRED** | N/A |
| **DEPARTMENT/DIVISION** | Building & Development Services/Comprehensive Planning and Public Hearings | **AUTHORIZED BY TITLE** | Robert Schmitt, AICP, Planning Division Manager |
| **CONTACT PERSON TELEPHONE/EXTENSION** | Katie LaBarr, AICP / Principal Planner / 748-4501 ext. 6828<br>DTS #20110225/B000071 | **PRESENTER/TITLE TELEPHONE/EXTENSION** | Katie LaBarr, AICP/ Principal Planner / 748-4501 ext. 6828 |
| **ADMINISTRATIVE APPROVAL** | | | |

### ACTION DESIRED
**INDICATE WHETHER 1) REPORT; 2) DISCUSSION; 3) FORM OF MOTION; OR 4) OTHER ACTION REQUIRED**

I move to recommend approval of PDR-11-14(G) per the recommended motion in the staff report attached to this memo.

### ENABLING/REGULATING AUTHORITY
**Federal/State law(s), administrative ruling(s), Manatee County Comp Plan/Land Development Code, ordinances, resolutions, policy**

Manatee County Comprehensive Plan and Manatee County Land Development Code.

### BACKGROUND/DISCUSSION

- The request is for approval of a General Development Plan for 732 single-family detached residential units. The property is currently zoned PDR.
- This 263.35± acre site is located on the south side of US 301, at the northwest corner of Old Tampa Road and Chin Road.

**History:**

- On June 3, 2010, this site was rezoned from General Agriculture/North Central Overlay (A/NCO) to Planned Development Residential, retaining the North Central Overlay. A Preliminary Site Plan was approved for 713 single-family residential lots.
- At the same hearing, a Local Development Agreement was approved, providing for the dedication of right-of-way, Proportionate Fair Share Mitigation for concurrency impacts, and an extended CLOS. To date, a CLOS has not yet been issued for this project.

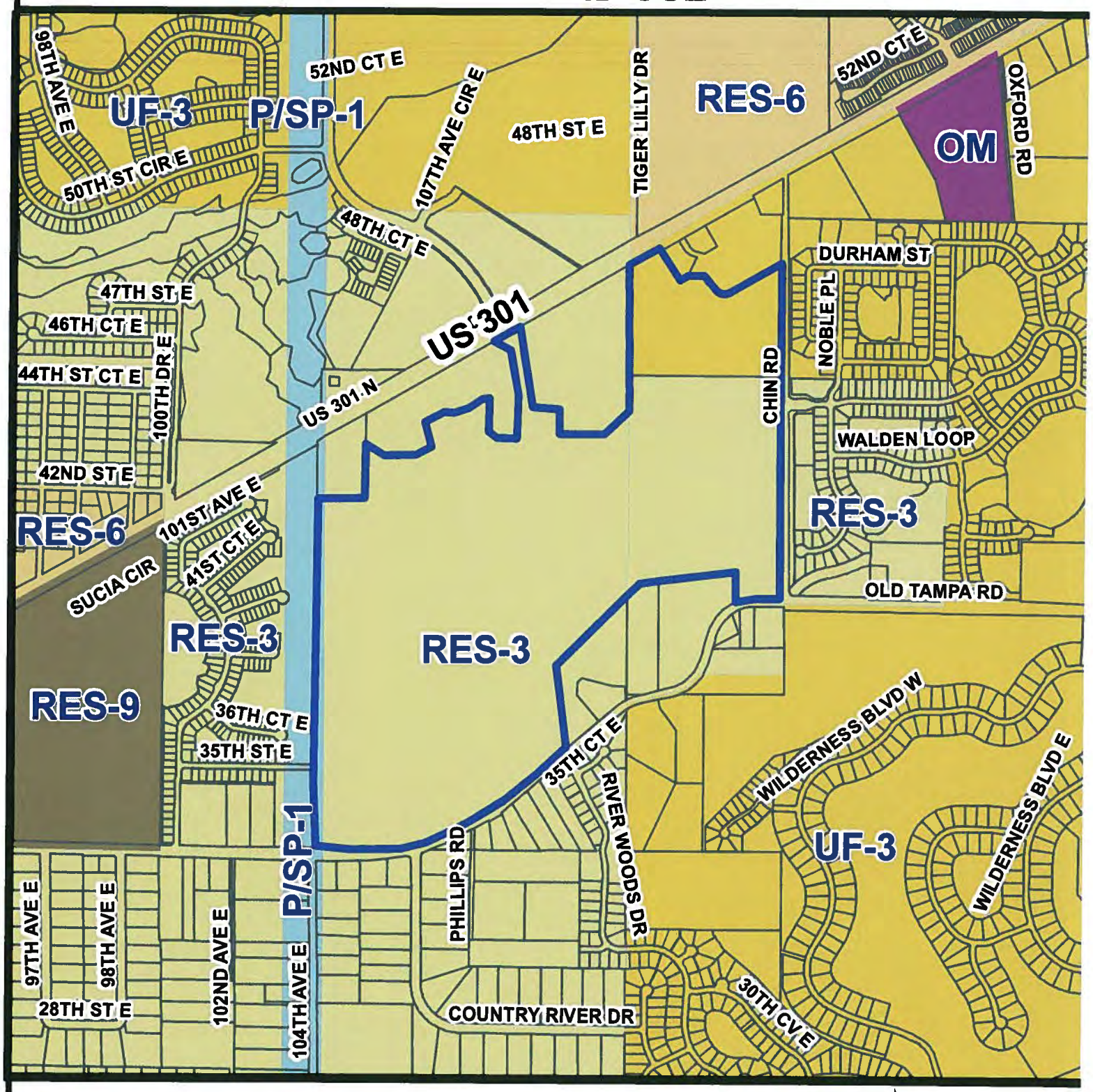
**Current Request:**

- On July 1, 2011, the applicant submitted an application for a General Development Plan. If it is approved, it will supersede the Preliminary Site Plan that was previously approved.
- The major differences between this site plan and the previously approved plan includes the addition of 19 lots. The applicant now requests approval of 732 residential units. The applicant has also committed to having a maximum of 50% of cottage units in this proposed development. The remainder of the lots will vary with a minimum lot width of 43' and a lot area of 5,625 square feet.
- The GDP shows eight access points. The access to the Aberdeen subdivision, along the western edge of the property, is proposed to be an emergency only access. The applicant has requested Specific Approval to LDC Section 907.9.1.3 and 712.2.8. Staff recommends approval of these requests.
- The applicant proposes two cul-de-sacs that exceed 800' in length in Phases 1 and 3. The applicant has provided a temporary emergency access in Phase 1 and committed to an interim turn-around at either the midpoint or at 800'. The applicant has not proposed a superior alternative to the design of the long cul-de-sac in Phase 3. In order for staff to support the request for Specific Approval, staff recommends a stipulation to require a turnaround at the midpoint or at 800'.
- Proposed wetland impacts, wetland mitigation and upland preservation areas are consistent with the previously approved PSP. The issues are summarized in the staff report.
- Staff recommends approval.

| COUNTY ATTORNEY REVIEW | |
|---|---|
| **Check appropriate box** | |
| ☒ | **REVIEWED**<br>**Written Comments:**<br>☐ **Attached**<br>☒ **Available from Attorney (Attorney's initials: WEC)** |
| ☐ | **NOT REVIEWED (No apparent legal issues.)** |
| ☐ | **NOT REVIEWED (Utilizes exact form or procedure previously approved by CAO.)** |
| ☐ | **OTHER** |

| **ATTACHMENTS: (List in order as attached)** | | **INSTRUCTIONS TO BOARD RECORDS:** | |
|---|---|---|---|
| Staff report for PDR-11-14(G) | | n/a | |
| **COST:** | n/a | **SOURCE (ACCT # & NAME):** | n/a |
| **COMMENTS:** | | **AMT./FREQ. OF RECURRING COSTS: (ATTACH FISCAL IMPACT STATEMENT)** | |

# FUTURE LAND USE



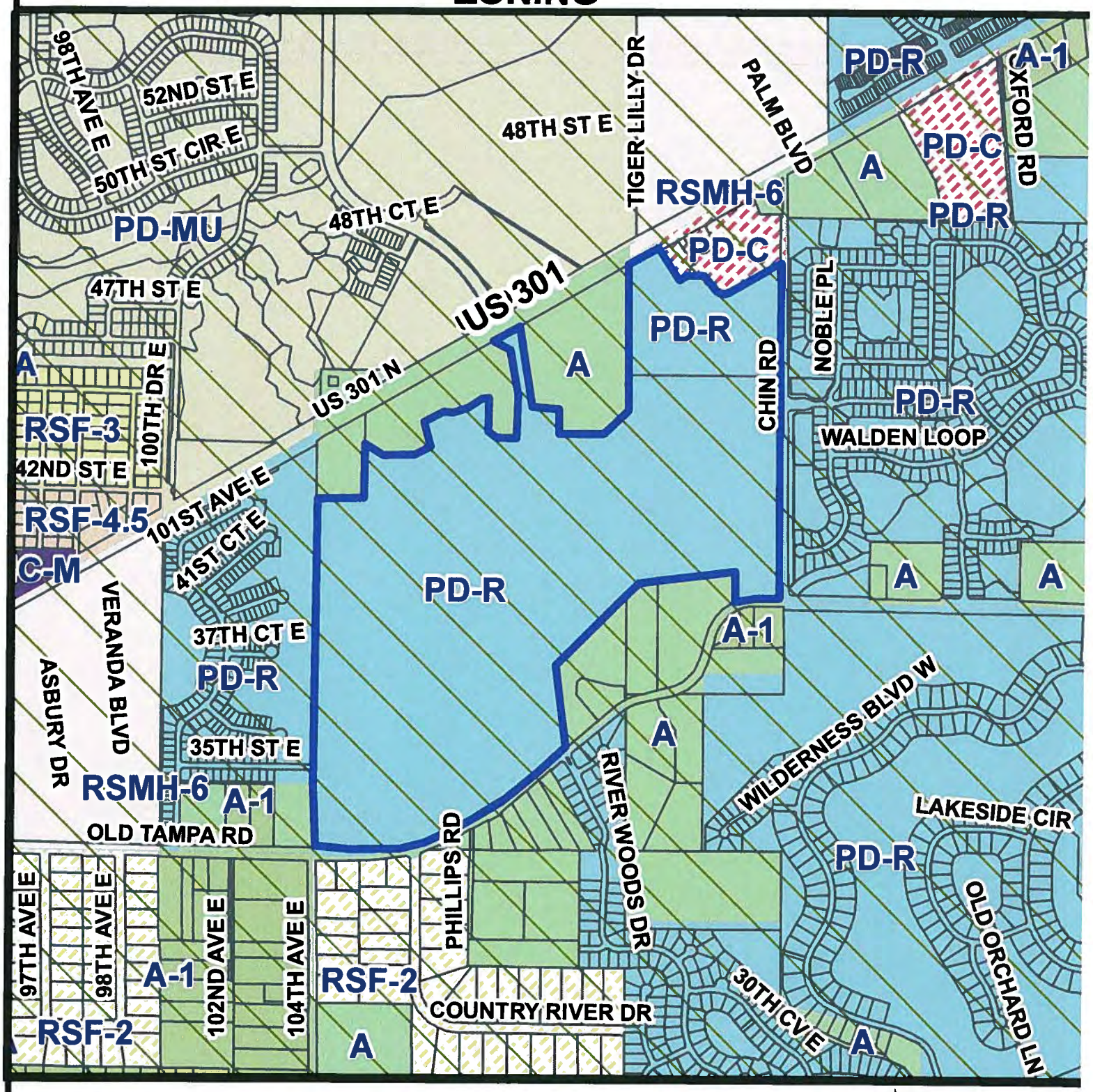

Parcel ID #(s) 502100209, 726820009

Manatee County
Staff Report Map

Map Prepared 8/10/2011
1 inch = 1,150 feet

| | |
|---|---|
| Project Name: | Silverleaf, Ph. 1-6 |
| Project #: | PDR-11-14 (G) |
| DTS#: | 20110225 |
| Proposed Use: | Residential |
| S/T/R: | Sec 6,1 Twn 34 Rng 19,18 |
| Acreage: | 263.35 |
| Existing Zoning: | PD-R |
| Existing FLU: | RES-3, UF-3 |
| Overlays: | NCO |
| Special Areas: | Greenway |
| CHH: | NONE |
| Watershed: | NONE |
| Drainage Basin: | MANATEE RIVER BL DAM |
| Commissioner: | Larry Bustle |

# ZONING

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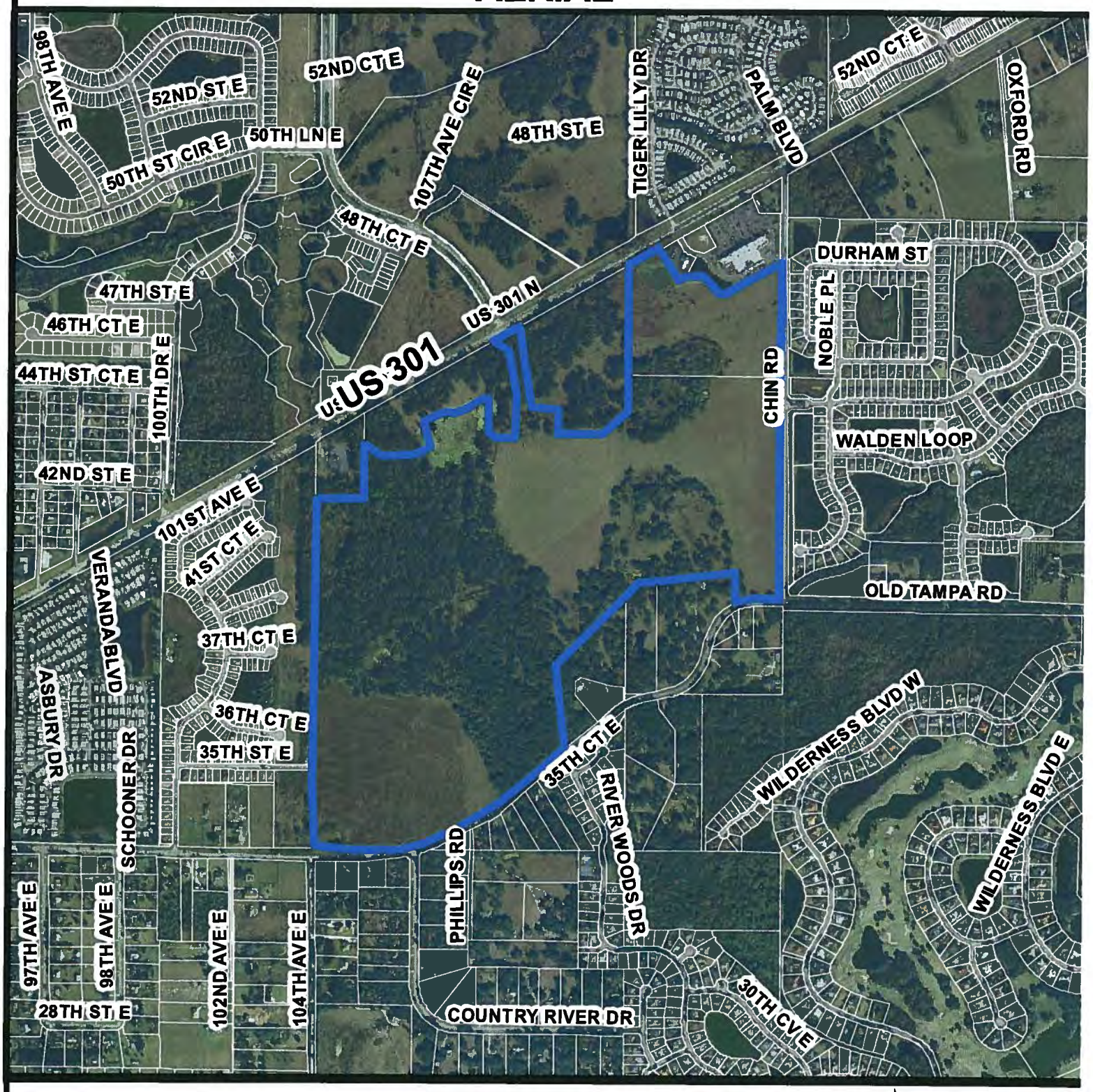
| Special Areas: | Greenway |
| CHH: | NONE |
| Watershed: | NONE |
| Drainage Basin: | MANATEE RIVER BL DAM |
| Commissioner: | Larry Bustle |

**Overlays**

North Central Overlay

# AERIAL




Parcel ID #(s) 502100209, 726820009

Manatee County
Staff Report Map

Map Prepared 8/10/2011
1 inch = 1,150 feet

| | |
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| Project Name: | Silverleaf, Ph. 1-6 |
| Project #: | PDR-11-14 (G) |
| DTS#: | 20110225 |
| Proposed Use: | Residential |
| S/T/R: | Sec 6,1 Twn 34 Rng 19,18 |
| Acreage: | 263.35 |
| Existing Zoning: | PD-R |
| Existing FLU: | RES-3, UF-3 |
| Overlays: | NCO |
| Special Areas: | Greenway |
| CHH: | NONE |
| Watershed: | NONE |
| Drainage Basin: | MANATEE RIVER BL DAM |
| Commissioner: | Larry Bustle |

P.C. 02/09/12

**PDR-11-14(G) – MML I LLC & PGCI IV LLC/Silverleaf (DTS #20110225/B000071)**

An Ordinance of the Board of County Commissioners of Manatee County, Florida, regarding land development, approving a General Development Plan for 732 single family detached units on approximately 263.35 acres on the south side of US 301, south of Harrison Ranch Boulevard, west of Chin Road, and north of Old Tampa Road; subject to stipulations as conditions of approval; setting forth findings; providing a legal description; providing for severability, and providing an effective date.

**P.C.:** **12/08/11, 01/12/12 02/09/12**

**B.O.C.C.:** **12/20/11, 02/02/12 03/01/12**

**RECOMMENDED MOTION:**

**Based upon the staff report, evidence presented, comments made at the Public Hearing, 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 recommend APPROVAL of Manatee County Zoning Ordinance No. PDR-11-14(G); APPROVAL of the General Development Plan with Stipulations #A.1 – A.6, B. 1, C.1 – C.2, D.1 – D.6, E.1, F1 – F.3, G.1 – G.5, H. 1, and I. 1; GRANTING Special Approval for a project with a gross residential density exceeding 1 dwelling unit per acre in the UF-3 Future Land Use Category and a gross residential density exceeding 2 dwelling units per acre in the RES-3 Future Land Use Category; A net residential density exceeding 3 dwelling units per acre in the UF-3 and RES-3 Future Land Use Category; APPROVAL of the Findings for Specific Approval; and GRANTING Specific Approval of alternatives to Sections 604.10.3.5.1, 907.9.4.1, 907.9.4.2, 907.9.1.3, 712.2.8, and 604.10.3.3.k of the Land Development Code, as recommended by staff.**

**PLANNING COMMISSION ACTION:**

**On December 8, 2011, by a vote of 7 – 0, the Planning Commission continued the Public Hearing to January 12, 2012.**

**On January 12, 2012, by a vote of 6 – 0, the Planning Commission continued the Public Hearing to February 9, 2012.**

**BOARD OF COUNTY COMMISSIONERS ACTION:**

**On December 20, 2011, by a vote of 6 – 0, the Board of County Commissioners continued the Public Hearing to February 2, 2012.**

**On February 2, 2012, by a vote of 6 – 0, the Board of County Commissioners continued the Public Hearing to March 1, 2012.**

**PUBLIC COMMENT AND CORRESPONDENCE:**

**There was no public comment and nothing was entered into the record at the December 8, 2011 and January 12, 2012 Planning Commission and December 20, 2011 and February 2, 2012 Board of County Commissioners Public Hearings.**

| PROJECT SUMMARY | |
|---|---|
| **CASE#** | **PDR-11-14(G) (DTS # 20110225/B0000071)** |
| **PROJECT NAME** | **MML I LLC & PGCI IV LLC/Silverleaf** |
| **APPLICANT(S):** | **MML I LLC & PGCI IV LLC** |
| **EXISTING ZONING:** | **PDR/NCO (Planned Development Residential/North Central Overlay)** |
| **PROPOSED USE(S):** | **Single family detached residences** |
| | |
| **CASE MANAGER:** | **Katie LaBarr, AICP** |
| **STAFF RECOMMENDATION:** | **APPROVAL with stipulations** |

## DETAILED DISCUSSION

The 263.35± acre site is located on the south side of US 301, at the northwest corner of Old Tampa Road and Chin Road.

The Parrish area has experienced significant growth pressure. The US 301 corridor going northeast toward Parrish is rapidly transitioning from rural and agricultural uses to more suburban-oriented uses, with significant residential development, which includes approved but not yet constructed projects on both sides of US 301 North. The trend in the area appears to be toward low to moderate density residential development, as the RES-3 and UF-3 FLUCS allow a range of suburban residential developments.

**History:** On June 3, 2010, this site was the subject of a rezone from General Agriculture/North Central Overlay (A/NCO) to Planned Development Residential, retaining the North Central Overlay. A Preliminary Site Plan was also approved for 713 single-family detached units. To date, the Preliminary Site Plan approval is all that was approved. The applicant did not submit an application for administrative review of a Final Site Plan.

At the same hearing, a Local Development Agreement was approved, providing for the dedication of right-of-way, Proportionate Fair Share Mitigation for concurrency impacts, and an extended Certificate of Level of Service, to expire eight years from the date of issuance of the CLOS for public facilities and services covered by the Development Agreement. To date, a CLOS has not yet been issued for this project.

**Current Request:** On July 1, 2011, the applicant submitted an application for a General Development Plan. If approved, this plan will supersede the Preliminary Site Plan that was previously approved.

The General Development Plan that is the subject of this approval includes 732 single-family detached lots. The major differences between this site plan and the previously approved site plan is detail. Preliminary Site Plans provide more details about preliminary design and engineering intent, whereas the General Development Plan has very few design elements. The applicant is requesting to increase the minimum number of lots by 19, from 713 to 732. The gross density will increase from 2.70 dwelling units per acre to 2.78 dwelling units per acre.

A revised Local Development Agreement is being proposed concurrent with this request. The revised LDA will provide for a CLOS expiration date of eight years from the date of issuance of the CLOS for public facilities and services including transportation, recreation/open space, solid waste and stormwater. The Developer is required to apply for issuance of the CLOS prior to the expiration of the approved General Development Plan for the project; however, the CLOS shall not extend beyond June 10, 2023. Other modifications address consistency with the new General Development Plan and revisions to departmental references to be consistent with the current organizational structure.

The applicant proposes 27' wide cottage units, with a minimum lot area of 3,186 square feet. In order to provide for a mixing of lot sizes, the site plan indicates that a maximum of 50% of the units will be cottage units. The balance of the lots will vary, with a minimum lot width of 43', and a lot area of 5,625 square feet.

Staff was concerned about the visual impact of cottage units adjacent to the roadway buffers, because two-story homes on 27' wide lots creates a sense of density that is not in keeping with the purpose and intent of the North Central Overlay District. In order to address staff's concerns, the applicant has indicated on the plans that the cottage units will be setback a minimum of 80' from the closest edge of Harrison Ranch Boulevard Extension, and from the perimeter boundary. This additional setback will minimize the visual impact of the cottage units on adjacent roadways.

The General Development Plan shows eight access points. The access on the western property edge is proposed to be an emergency only access because the residents of Aberdeen stated their concerns with a full access to their neighborhood. The applicant has requested Specific Approval to LDC Section 907.9.1.3 regarding inter-neighborhood ties and LDC Section 712.2.8 regarding second means of access. Staff recommends approval of these Specific Approval requests because the intent of the Land Development Code is met with an emergency access.

The applicant requests Specific Approval for two cul-de-sacs that exceed 800' in length in Phases 1 and 3. The cul-de-sac in Phase 1, measuring approximately 1,850 linear feet, would be a temporary dead-end street, because an access is shown from Phase 1 to undeveloped land that is anticipated to develop commercially (see Exhibit A.2). In an effort to

address the concerns of EMS, the applicant has agreed to a temporary emergency access that will be constructed from Harrison Ranch Boulevard Extension to Phase 1. Staff recommends a stipulation to require the construction of Harrison Ranch Boulevard Extension to a point where the temporary emergency access may safely intersect with Harrison Ranch Boulevard Extension, so emergency vehicles will have two means of access to Phase 1 of the development. The cul-de-sac in Phase 3 is proposed to measure approximately 1,200 linear feet (see Exhibit A.1). The applicant has indicated that the reason for this long cul-de-sac is because the area is uniquely shaped and difficult to reach without building a longer roadway than normal. The applicant commits to preserve the most desirable trees. In order for staff to support the request for Specific Approval, staff recommends a turn-around at either the midpoint of the long cul-de-sac, or at 800'. This is included as a stipulation of approval. The applicant is not in agreement with staff on this specific issue.

Proposed wetland impacts, wetland mitigation and upland preservation areas are consistent with the previously approved Preliminary Site Plan. These issues are summarized below.

Staff recommends approval of this General Development Plan with stipulations.

| SITE CHARACTERISTICS AND SURROUNDING AREA | |
|---|---|
| **ADDRESS:** | **No assigned address** |
| **GENERAL LOCATION:** | **South of US 301, at the northwest corner of Old Tampa Road and Chin Road** |
| **ACREAGE:** | **263.35 ± acres** |
| **EXISTING USE(S):** | **Pasture** |
| **FUTURE LAND USE CATEGORY(S):** | • **RES-3 (Residential – 3 dwelling units per acre)**<br>• **UF-3 (Urban Fringe – 3 dwelling units per acre)** |
| **DENSITY:** | **2.78± du/ac (gross) – 5.20± (net)** |
| **SPECIAL APPROVAL(S):** | **1. Project exceeding 2 dwelling units per acre in the RES-3 FLUC**<br>**2. Project exceeding 1 dwelling unit per acre in the UF-3 FLUC**<br>**3. Net residential density exceeding 3 dwelling units per acre in the UF-3 and RES-3 FLUC** |
| **OVERLAY DISTRICT(S):** | **North Central Overlay (NCO)** |
| **SPECIFIC APPROVAL(S):** | **1. Section 604.10.3.5.1 – Roadway buffers for residential and other uses.**<br>**2. Section 907.9.4.1 Dead-end streets** |

| | | |
|---|---|---|
| | longer than 800'.<br>3. Section 907.9.4.2 Cul-de-sac roadways longer than 800'.<br>4. Section 907.9.1.3 Inter-neighborhood tie.<br>5. Section 712.2.8 Second means of access.<br>6. Section 604.10.3.3.k – Design standards, additional setback from the greenbelt buffer. | |
| **SURROUNDING USES & ZONING** | | |
| **NORTH** | Vacant land zoned PDC/NCO (Planned Development Commercial/North Central Overlay). Across US 301 is Harrison Ranch zoned PDMU/NCO (Planned Development Mixed-Use) and The Gardens zoned RSMH-6/NCO (Residential Single-Family Manufactured Home, 6 dwelling units per acre) | |
| **SOUTH** | Single-family homes and vacant land zoned RSF-2/NCO (Residential Single-Family, 2 dwelling units per acre) and A/NCO (General Agriculture) | |
| **EAST** | Across Chin Road are single-family homes in Kingsfield Lakes Subdivision zoned PDR/NCO (Planned Development Residential/North Central Overlay) | |
| **WEST** | Single-family homes in Aberdeen Subdivision zoned PDR/NCO (Planned Development Residential), homes zoned A/NCO, and A-1/NCO (Suburban Agriculture) | |
| **SITE DESIGN DETAILS** | | |
| **LOT SIZE(S):** | 5,625 s.f. (43' x 131'); 3,186 s.f. (27' x 118') | |
| **SETBACKS:** | Front<br>Side<br>Rear<br>Waterfront | 20'/25' *<br>5'<br>15'<br>30'<br><br>*20' to house; 25' to garage |

| | | |
|---|---|---|
| | **Cottage Unit Setbacks**<br>**Front**<br>**Side**<br>**Rear**<br>**Waterfront** | <br>**20'/25'**<br>**6'/1'**<br>**15'**<br>**30'** |
| **OPEN SPACE:** | **Minimum of 25% or 65.83± acres** | |
| **RECREATIONAL AMENITIES:** | **Recreational amenities are not shown on the site plan; they are at the discretion of the applicant.** | |
| **RECREATIONAL ACREAGE:** | **Minimum of 8.0 acres of usable open space will be required. (noted on site plan)** | |
| **Buffers:** | • **30' - Wetland Buffers**<br>• **50' roadway - US 301**<br>• **50' roadway - Old Tampa Road**<br>• **50' roadway – Chin Road**<br>• **20' roadway – Extension of Harrison Blvd**<br>• **20' along northeast, southeast, and western property boundaries** | |
| **ACCESS:** | • **Main access from US 301 provided via an extension of Harrison Ranch Blvd. – a planned four-lane divided roadway that extends through the development southward providing access to Old Tampa Road**<br>• **Second access on Chin Road**<br>• **Gated emergency only access to Aberdeen Subdivision to the west** | |
| **FLOOD ZONE(S)** | **Zone X per FIRM Panel 120153 0215C, rev. 7/15/92** | |
| **AREA OF KNOWN FLOODING** | **Yes, up to 50% reduction required** | |
| **UTILITY CONNECTIONS** | • **Existing 20" potable water main, 16" force main and 8" force main along US 301**<br>• **Existing 12" potable water main and 6" force main along Chin Road** | |

## ENVIRONMENTAL INFORMATION

| | |
|---|---|
| **Overall Wetland Acreage:** | **14.04** |
| **Proposed Impact Acreage:** | **3.3** |

| Wetland I.D. | Acres Impacted | Type | Quality/ UMAM Score | Reason for Impact | EPD Objection | Explanation |
|---|---|---|---|---|---|---|
| G | .35 | Herbaceous | 0.27 | Stormwater Pond | No | System not viable |
| I1 | .16 | Herbaceous | 0.33 | Stormwater Pond | No | System not viable |
| I2 | .17 | Herbaceous | 0.33 | Stormwater Pond | No | System not viable |
| I3 | .05 | Herbaceous | 0.27 | Lots | No | System not viable |
| I4 | 1.43 | Herbaceous | 0.27 | Lots | No | System not viable |
| I5 | .31 | Herbaceous | 0.33 | Pond & Lots | No | System not viable |
| K | .48 | Herbaceous | 0.33 | Stormwater Pond | No | System not viable |
| L | .28 | Herbaceous | 0.37 | Pond & Lots | No | System not viable |
| L2 | .07 | Herbaceous | 0.30 | Lots | No | System not viable |

The previously approved Preliminary Site Plan identified approximately 14.77 acres of wetlands and approximately 3.82 acres of wetland impacts. The wetland acreage and wetland impact acreage has been reduced based on a slight modification of the project boundaries and the fact the a 0.52 acre area previously identified as Wetland P was not claimed by the SWFWMD as a wetland.

**Proposed Mitigation:**
A combination of wetland restoration, wetland enhancement, and upland enhancement is currently proposed as mitigation for the proposed wetland impacts. The amount and type of mitigation required for the proposed wetland impacts will be finalized with the Final Site Plan submittal and will be consistent with the Uniform Mitigation Assessment Method (UMAM) and the Comprehensive Plan. The Environmental Planning Division is recommending a development order condition which requires that an Environmental Resource Permit (ERP) approved by SWFWMD be provided prior to Final Site Plan approval.

**Upland Habitat:**

The site contains 45.64 acres of native upland habitat (temperate hardwood). The current application identifies the preservation of approximately 23.38 acres of native upland habitat.

**Threatened and Endangered Species:**

Sandhill cranes and Wood storks have been observed utilizing the site. A bald eagle's nest is located just offsite, to the north. No activities are proposed within 660' of the nest, which is in compliance with current Florida Fish and Wildlife Conservation Commission guidelines. It is anticipated that the remaining wetlands will continue to provide foraging opportunities for these species.

Additionally, the applicant has prepared an Eastern Indigo Snake wildlife management plan to protect this listed species during construction.

**Trees:**

There are 6,667 existing trees located on-site. The previous design proposed preservation of 2,460 trees. Of the 4,207 trees to be removed, 2,163 were located on proposed single family lots. 1,301 trees were being proposed for replacement. 743 existing Sabal palms were scheduled to be relocated onsite. Since the most recent design involves preservation of additional trees, staff will look for adjusted calculations during the Final Site Plan review.

Proposed replacement appears to comply with Section 714.8 of the LDC. However, it is anticipated that a portion of the trees identified as "preserved" will suffer from die-off due to construction activities and changes in hydrology. Trees remaining in long, linear areas appear to be particularly vulnerable due to addition of adjacent fill soil. Tree calculations will be adjusted at the time of Final Site Plan submittal, at which time further construction details will be available.

**Water Quality/Contamination:**

The applicant has provided a Phase I assessment. The assessment identified no evidence of recognized environmental conditions.

## NEARBY DEVELOPMENT

### NON-RESIDENTIAL

| PROJECT | SQ. FT. | F.A.R. | FLUC | YEAR APPROVED |
|---|---|---|---|---|
| Chin Road Commercial (PDC-03-61(P)(R)) | 79,500 s.f. | 0.15 | UF-3 | 2006 |
| Oxford Commercial Development (PDC-08-26(Z)(P)) | 150,000 s.f. | 0.18 | OM | 2009 |
| Shops at Harrison Ranch (PDMU-11-12(G)) | 85,000 s.f. | 0.15 | RES-3, UF-3 | PENDING |
| Victoria Estates, LTD., et al/Creekside Commons (PDC-04-38(Z)(P)) | 256,256 s.f. | 0.12 | R/O/R, RES-9 | 2008 |
| Eckerds at Creekside Oaks (AP-03-81) | 15,374 s.f. | 0.08 | R/O/R | 2004 |
| Parkwood Square Shopping Center Expansion [PDC-08-07(P)] | 118,416 | 0.11 | R/O/R | 2009 |
| Derel Trust [PDO/PDC 05-12(P)] | 87,110 s.f. mini-storage, 8,100 s.f. office, 6,045 s.f. daycare center | 0.34 (PDC) 0.07 (PDO) | OL, R/O/R, UF-3 | 2009 |

### RESIDENTIAL

| PROJECT | LOTS / UNITS | DENSITY | FLUC | YEAR APPROVED |
|---|---|---|---|---|
| Kingsfield | 466 | 2.75 | UF-3 | 1995 |
| The Gardens | 645 | 4.89 | RES-6 | Prior to 2000 |
| Kingsfield Lakes | 343 | 1.71 | UF-3 | 2000 |
| Lexington | 352 | 2.42 | RES-6 & UF-3 | 2001 |
| Aberdeen | 222 | 2.68 | RES-3 | 2002 |
| Harrison Ranch | 1,550 | 1.65 | RES-3 & UF-3 | 2002 |
| Creekside Oaks | 403 | 2.49 | RES-9 | 2003 |

| | | | | |
|---|---|---|---|---|
| Forest Creek | 493 | 2.78 | UF-3 | 2010 |
| Selby Grove | 174 | 1.96 | UF-3 | 2004 |
| Lexington Addition | 35 | 1.72 | UF-3 | 2005 |
| River Wilderness Ph III | 178 | 0.60 | UF-3 | 2005 |

## POSITIVE ASPECTS

- The proposed development is a logical extension of existing residential development in the area.
- A minimum of 25% open space will be provided.

## NEGATIVE ASPECTS

- Wetland impacts are proposed.

## MITIGATING MEASURES

- The proposed wetland impacts are to low quality wetlands.
- Good quality upland habitat is preserved, and shown on the GDP.
- Wetland mitigation will result in the enhancement of 7.65 acres of wetlands and 4.35 acres of adjacent uplands within the project that have not been included in the upland preservation calculations.

## STAFF RECOMMENDED STIPULATIONS

A. DESIGN AND LAND USE CONDITIONS:

1. This General Development Plan, PDR-11-14(G), supersedes PDR-05-60(Z)(P).

2. Prior to or concurrent with any Final Site Plan submittals, a Preliminary Site Plan for the entire subdivision shall be submitted for administrative review and approval.

3. All corner lots shall be at least 15% greater than the minimum lot size approved. If there is common open space between the lot and the right-of-way, the common open space and the side yard setback combined shall be a minimum of 15 feet.

4. If this site is not developed in the sequential order shown on the site plan, the applicant shall demonstrate that improvements, such as the construction of Harrison Ranch Boulevard Extension, providing two means of access, and the

**installation of roadway buffers will be in place in a timely and orderly fashion.**

5. **The Preliminary/Final Site Plans shall provide neighborhood focal points that promote neighborhood unity within the development. These focal points may be water bodies, recreation areas, community centers, natural features, or pedestrian/bikeway corridors.**

6. **The access to the Aberdeen subdivision shall be a gated emergency access and shall be accessible to EMS by either a remote control or siren activated system. Prior to Final Site Plan approval, the applicant shall receive written approval from EMS and the Fire Marshall approving the proposed system.**

**B. TRANSPORTATION CONDITIONS:**

1. **Future Harrison Ranch Blvd. shall be designed with two easternmost lanes of a future 4 lane divided roadway to county standards between US 301 and Old Tampa Road, including bike lanes and sidewalks on one side. Utilities shall be installed adjacent to the easternmost lanes as constructed by Applicant.**

**C. INFRASTRUCTURE CONDITIONS:**

1. **In order to ensure adequate turning maneuverability for emergency vehicles, for the 1,800 foot cul-de-sac in Phase 1, and the 1,200 foot cul-de-sac in Phase 3, a turnaround shall be provided at 800' intervals or at the midpoint of each cul-de-sac. (Applicant does not agree with turn-around for 1,200 cul-de-sac in Phase 3)**

2. **Concurrent with Phase 1 development, Harrison Ranch Boulevard shall be constructed from US 301, south to a point where the temporary emergency access intersects with the roadway to provide an alternative means of access to Phase 1 of the development.**

**D. STORMWATER CONDITIONS:**

1. **The engineer of record will have the option of submitting a separate watershed analysis that would demonstrate an alternative stormwater design that would create no adverse impacts to the watershed or demonstrate up to a 50% peak rate reduction for the project. If the watershed approach is utilized, it shall study the downstream system to the confluence with the Manatee River. If the EOR chooses the peak rate reduction option, the reduction shall only apply to the internal subdivision roadway systems and the residential lots. Over-attenuation is not required on open space areas, upland preservation areas, wetlands and their buffers, landscape buffers. Attenuation is not required on the stormwater flows that discharge onto and through this property from adjacent roadways and**

**subdivisions. Also, since the developer will be constructing the stormwater system to accommodate the full, future build-out of Harrison Ranch Boulevard for the County, over-attenuation is not required for the Harrison Ranch Boulevard right-of-way**

2. **If there are any required roadway widening improvements to Chin Road and/or Old Tampa Road generated by this project, then road side ditch(es) shall be piped within the limits of proposed roadway widening . Piping of the ditches is not required for diminimus improvements that do not affect the existing roadside ditches, such as adding a sidewalk or other similar improvements.**

3. **The developer shall design and construct the stormwater capacity for the future Harrison Ranch Blvd. Extension (4 lanes divided) roadway within the project area and such design and construction shall be included in the SWFWMD permit documentation.**

4. **A Drainage Maintenance, Utility, and Access Easement Tract Plan shall be submitted with the final site/construction plan for natural systems and relocated drainage conveyance systems and shall be approved by the Public Works Department.**

5. **A typical lot drainage plan and cross section(s) shall be provided for each single-family detached residence. The drainage and grading for each single-family residence shall be approved by Manatee County Public Works Department.**

**E. <u>FLOODPLAIN MANAGEMENT:</u>**

1. **Based on preliminary Flood Insurance Rate Maps(FIRMs) from FEMA, a portion of this property will now lie within Zone A with no base flood elevation determined. Prior to Final Site Plan/Construction drawing approval, a study shall be conducted to establish the base flood elevation. <u>(Applicant does not agree with this proposed stipulation.)</u>**

**F. <u>BUFFERS</u>:**

1. **All landscaping shall comply with North County Overlay District requirements unless an equivalent or superior alternative is approved by staff.**

2. **Existing native vegetation within any required landscape buffer shall be preserved to the greatest extent possible. There shall be no overhead or underground power lines, swales, or stormwater facilities within any proposed landscape buffer containing desirable native vegetation with the exception of limited crossings.**

3. **For buffers that are adjacent to residential units, all trees shall be planted midway from the edge of the buffer (i.e. 10' in a 20' buffer). In addition, either understory trees, or canopy trees such as: (1) Dahoon Holly, (2) Loblolly Bay, and (3) Slash Pine shall be used.**

**G. <u>ENVIRONMENTAL CONDITIONS</u>:**

1. **The Final Site Plan shall clearly identify and label the upland preservation areas consistent with those shown on the approved General Development Plan. Minor reconfiguration may be approved with the Final Site Plan provided the overall acreage, connectivity, and habitat quality are maintained. Conservation Easements for the areas defined as post-development upland preservation areas shall be dedicated to the County prior to or concurrent with Final Plat approval.**

2. **No lots shall be platted through post-development wetlands, wetland buffers or upland preservation areas.**

3. **No construction is proposed or authorized by this approval within 660' of the offsite eagle's nest, in accordance with the current US Fish & Wildlife Service's Eagle Management guidelines. Any proposed construction within this protection zone will require any required federal and state permits be obtained.**

4. **An ERP approved by SWFWMD shall be provided to the County for review prior to Final Site Plan approval.**

5. **Landscape plant species, including street tree varieties, shown on the Preliminary Site Plan are not approved at this time and shall be reviewed for consistency with the LDC at the time of Final Site Plan. Approval of street tree species shall be dependent upon the site design, lot size, and building envelopes in order to have sufficient room to thrive and to reduce the potential for impacts for infrastructure and utilities.**

**H. <u>RECREATIONAL</u>:**

1. **The applicant has the option of providing recreational amenities that may include, but shall not be limited to a recreation center with a pool, spa, outdoor seating, and exercise center, two tennis courts with a shade structure, a playground with a shade structure and bench, a fenced-in dog park with a shade structure and bench, and a walking trail. The applicant may also provide eight pocket parks throughout the community for passive recreation.**

## I. NOTICES

1. **The Notice to Buyers shall be included in the Declaration of Covenants and Restrictions, in a separate addendum to the sales contract, and in the Preliminary/Final Site Plan and shall include language informing prospective home buyers of the following:**

   - **Harrison Ranch Boulevard Extension Roadway is proposed to be a 4-lane thoroughfare roadway.**
   - **Commercial development may be approved to the north and southeast of this project site (adjacent to Phase 1, 3, 4, and 5).**
   - **The inter-neighborhood tie to Aberdeen subdivision to the west will be a gated emergency only access.**
   - **The temporary emergency access from Phase 1 to Harrison Ranch Boulevard Extension will be removed when commercial development commences on the adjacent parcel. A full connection from the residential neighborhood to the commercial parcel shall be constructed prior to the removal of the temporary emergency access to Harrison Ranch Boulevard Extension.**

## REMAINING ISSUES OF CONCERN – NOT RESOLVED OR STIPULATED

**Staff recently received the Draft Preliminary Flood Insurance Rate Maps for the county. Based on a review of the new FIRMs, it has been discovered that a portion of this project will be located in the A Flood Zone with no base flood elevation determined.**

**The Code of Federal Regulations Title 44 (44 CFR) Section 60.3(b)(4) states: "Obtain, review and reasonably utilize any base flood elevation and floodway data available from a Federal, State, or other source ..." This is also in the LDC (718.5.3) and the Manatee County Ordinance 89-10 (103.2.11).**

**As there will be Zone A with no base flood elevation determined, based on LDC 718.6.2.4.3 "All new subdivision proposals greater than fifty (50) lots or five (5) acres, whichever is the less, shall include within such proposals base flood elevation data. This data shall include Base Flood Elevations (BFE) and Flood Protection Elevations (FPE) for each lot. All developments subject to this shall also obtain Federal Emergency Management Agency (FEMA) approval." This is typically required prior to Final Site Plan/Construction Drawing approval.**

**Floodplain Management Bulletin 1-98 issued by FEMA has guidelines regarding use of draft or preliminary maps and flood insurance study as best available data.**

**As these are only preliminary maps, the applicant also has the option of appealing this delineation of the floodplain during the allotted appeal period.**

**If the applicant does not appeal the delineation of the floodplain, they will be required**

**to determine base flood elevation prior to Final Site Plan/Construction Drawing approval. Staff recommends a stipulation to address this issue. The applicant is not in agreement with this recommended stipulation.**

| COMPLIANCE WITH LDC | | | | |
|---|---|---|---|---|
| Standard(s) Required | Design Proposal | Compliance | | Comments |
| | | Y | N | |
| BUFFERS | | | | |
| 50' roadway buffer, Harrison Ranch Boulevard Extension | 20' buffer | | N | Requesting Specific Approval |
| 50' roadway buffer, US 301 | | Y | | Noted on Site Plan |
| 50' roadway buffer, Old Tampa Road | | Y | | Noted on Site Plan |
| 20' perimeter buffer to east | | Y | | Noted on Site Plan |
| 20' perimeter buffer to north | | Y | | Noted on Site Plan |
| 20' buffer to south | | Y | | Noted on Site Plan |
| Buffer landscaping | | Y | | Stipulation; Verified with FSP. |
| SIDEWALKS | | | | |
| 5' internal sidewalks | | Y | | Noted on cover sheet, to be verified with FSP. |
| 5' sidewalk, exterior | | Y | | Noted on cover sheet, to be verified with FSP. |
| ROADS & RIGHTS-OF-WAY | | | | |
| 50' internal rights-of-way | | Y | | Streets to be public/CDD; To be verified with FSP. |
| 24' paved roadways | | Y | | To be verified with FSP. |
| Dedicate ± 30' ROW Old Tampa Rd | | Y | | 120' full / 60' half-width ROW required – shown on site plan. |
| Dedicate ± 6' ROW Chin Rd | | Y | | 84' full / 42' half-width ROW required – shown on site plan. |
| Dedicate ± 120' ROW Harrison Ranch Blvd. Extension | | Y | | 120' full ROW required. 2-lane construction (east side proposed) – Shown on site plan. |
| Interneighborhood Ties | Emergency Only Access | | N | Shown on site plan/Requesting Specific Approval. |

## COMPLIANCE WITH THE LAND DEVELOPMENT CODE
## Factors for Reviewing Proposed Site Plans (Section 508.6)
## Planned Districts - Rezone Review Criteria (Section 603.4)

**Physical Characteristics:**
The 263.35 acre parcel is suitable for the development proposed without hazard to person or property, on or off the site, as proposed. The site is currently used for agricultural purposes. Based on current site conditions, it appears that soil conditions as well as other physical characteristics are conducive to the proposed development of the site. The entire site is outside of the 100-year floodplain.

The site was rezoned to PDR in 2010 with the approval of a Preliminary Site Plan for 713 single-family detached units. With this approval, the previously approved Preliminary Site Plan is being abandoned for the General Development Plan.

**Relation to Public Utilities, Facilities and Services:**
The site lies south of US 301, west of Chin Road, and north of Old Tampa Road, and is in an area served by Manatee County EMS, Fire and Law Enforcement. With regard to utilities, along US 301 there is an existing Manatee County 20" potable water main, an 8" and a 16" force main. Along Chin Road, there is an existing Manatee County 12" water main and a 6" force main. The site will be served by County water and sewer.

**Relation to Major Transportation Facilities:**
The applicant plans an extension of Harrison Ranch Boulevard between US 301 and Old Tampa Road. The site has access to US 301 and Old Tampa Road, via this planned extension. Harrison Ranch Boulevard Extension, US 301, and Old Tampa Road are all classified as thoroughfares in the Comprehensive Plan.

**Compatibility:**
The proposed development may be found to be compatible with the surrounding land uses and development patterns in north county, particularly as development moves north and east towards Parrish and beyond.

The site is on the south side of US 301 and west of Chin Road. This area has been transitioning to suburban residential development. The majority of the surrounding area is residentially zoned. The General Development Plan indicates that "cottage" units, or lots a minimum of 27' wide are proposed for up to 50% of the units in this development. In an effort to mitigate compatibility concerns raised by staff, the applicant has added a note stating that there will be a minimum setback of 80' between the project perimeter and cottage units, and an 80' setback from cottage units planned adjacent to Harrison Ranch Boulevard Extension.

PDR zoning requires site plan review to address proper transitioning and the impacts to the abutting land uses. PDR zoning allows the Board to attach stipulations to ensure the project is compatible with the surrounding uses.

**Transitions:**
The site is in an area that is transitioning from agricultural uses to suburban residential development with complementary commercial uses nearby.

**Design Quality:**
The conceptual design of this proposed development complies with applicable Land Development Code requirements and standards. The proposed General Development Plan requires review of the proposed use and density. The GDP shows 732 single-family detached units for a gross density of 2.78 dwelling units per acre.

Recreational amenities are not shown on the General Development Plan. Staff proposes a stipulation that includes amenities that the applicant has indicated will be provided within this development. The stipulation does not limit the range of amenities that may be provided by the applicant.

A detailed project design will be reviewed with future Preliminary and Final Site Plans.

**Relationship to Adjacent Property:**
The site is in an area that is transitioning from agricultural to suburban residential development. To the north is Harrison Ranch, a Planned Development Mixed Use community. To the south, across Old Tampa Road, is River Woods, Country River Estates, and single family homes zoned A (General Agriculture). To the east, across Chin Road, is Kingsfield Lakes, a residential subdivision. To the west is Aberdeen, a residential subdivision.

The site plan is designed with respect to the adjacent land uses. The thoroughfares that surround the project provide a large separation between Silverleaf and many of the adjacent residential developments. Aberdeen, to the west, is separated from this site by a 330' FPL easement.

The minimum lot size proposed with this development is smaller than those approved nearby. The lot size for the cottage lots are 27' x 118' wide, with a minimum lot area of 3,186 square feet. Aberdeen, which is to the west of this site was approved with 45' x 110' minimum lot sizes internal to the site with a minimum lot area of 4,950 square feet and perimeter lot sizes were 65' x 110', with a lot area of 7,150 square feet. The Kingsfield subdivision, which is across Chin Road to the east, was approved with internal lots that were 64' x 115' with a lot area of 7,360 square feet. The perimeter lot sizes were 64' x 130' with a minimum lot area of 8,320 square feet. Kingsfield Lakes, which is also across Chin Road to the east, was approved with a minimum lot size of 65' x 115' and a lot area of 7,475 square feet. River Woods, to the south, across Old Tampa Road, was approved with 75' wide lots a minimum of 10,000 square feet.

Although nearby developments have larger lots and provided perimeter lots that were even larger than the minimum interior lots, the lot sizes proposed in Silverleaf are comparable to those approved in Forest Creek, which is east of this site. In addition, the site plans for all of the above mentioned subdivisions were approved prior to the implementation of the North Central Overlay District, which requires enhanced roadway and perimeter buffers.

The project will comply with all LDC standards for protection of adjacent properties, including buffers and screening.

**Access:**
The site has access to US 301 and Old Tampa Road via the planned Harrison Ranch Boulevard extension, and Chin Road.

**Streets, Drives, Parking and Service Areas:**
New proposed streets will be required to meet County Public Works Standards, the details of which will be reviewed with future Preliminary and Final Site Plans.

**Pedestrian Systems:**
Pedestrian systems within the project will be addressed with future Preliminary and Final Site Plans.

**Natural and Historic Features, Conservation and Preservation Areas:**
The site plan shows that there are approximately 14.04 acres of wetlands on site, which equates to 5.3% of the overall acreage. The majority of the impacts are planned to wetlands that are highly degraded or are remnant wetlands and are consistent with Section 719.4.3 of the LDC. There are no historic features located on this property. There is no indication that this property has any archaeological potential, based on the Piper Predictor Model.

**Density/Intensity:**
The proposed gross density is 2.78 dwelling units per acre, which requires Special Approval in the RES-3 and UF-3 Future Land Use Categories.

**Height:**
All structures will be limited to a maximum of 35 feet per the site plan, in compliance with NCO Standards.

**Fences and Screening:**
Fences and screening will be addressed with the Preliminary/Final Site Plan and will meet minimum LDC requirements.

**Yards and Setbacks:**
Setbacks are as shown on the site plan. The established setbacks for the project are shown in the chart below:

| | Yards and Setbacks | | | | | |
|---|---|---|---|---|---|---|
| **Type** | **Min. Lot Width** | **Front** | **Side** | **Rear** | **Corner (1)** | **Waterfront** |
| **Single Family Detached** | 40 | 20/25 | 5 | 15 | 15 | 30 |
| **Single Family Detached – Cottage (2)** | 27 | 20/25 | 6/1 | 15 | 15 | 30 |

Notes:
(1) Corner yards are front yards that do not provide access to the property.
(2) Cottage units will be setback a minimum of 80' from the closest edge of the Harrison Ranch Blvd. Extension and 80' from the project perimeter boundary.

**Trash and Utility Plant Screens:**
Solid waste collection will be via can service and shown on the Final Site Plan.

**Signs:** Signage will meet all LDC standards and be permitted separately.

**Landscaping:** All proposed landscaping will comply with the requirements of the LDC.

**Water Conservation:**
A minimum of 25% open space will be provided for the project and all landscaping will meet the LDC minimum standards.

**Rights-of-Way:**
Internal streets will be designed to Manatee County Public Works Standards and will be reviewed with future Preliminary and Final Site Plans. Harrison Ranch Boulevard Extension is proposed through this subdivision connecting US 301 to Old Tampa Road. The easternmost two lanes will be built with this development.

**Utility Standards:**
Connection to Manatee County utilities is required and will be reviewed in greater detail with future site plan submittals.

**Stormwater Management:**
The design of the stormwater facility will be required to meet the requirements of LDC Section 717 and the adopted Manatee County Development Standards for the treatment of stormwater. Stormwater facilities will be reviewed in greater detail with future site plan submittals.

**Open Space:**
A minimum 25% open space will be provided for the project.

## COMPLIANCE WITH COMPREHENSIVE PLAN

**The site is in the RES-3 and UF-3 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 development that is transitioning from agricultural and low density residential development to a mixed-use suburban development pattern.

**Policy 2.2.1.10.1 Intent: (RES-3)** This project complies with the intent of the RES-3 FLUC. The RES-3 FLUC anticipates a moderate-density suburban, or a clustered low density urban, residential environment.

**Policy 2.2.1.10.2 Range of Potential Uses.** Residential use is in the range of potential uses.

**Policy 2.2.1.11.1 Intent: (UF-3)** This project complies with the intent of the UF-3 FLUC, which is for development to follow a logical expansion of the urban environment, typically growing from west to east, consistent with the availability of services. The UF-3 category also anticipates low density or clustered low to moderate density residential.

**Policy 2.2.1.11.2 Range of Potential Uses (UF-3).** Suburban density planned residential development is within the range of potential uses.

**Policy 2.6.1.1 Compatibility.** The General Development Plan design promotes compatibility with surrounding development through the use of buffers and setbacks. The proposed use, lot sizes, and setbacks are generally comparable with development in the area.

**Policy 2.6.2.7 Require Clustering to Limit Impacts**. The site design avoids any impacts to adjacent agricultural, conservation, open space, or environmentally sensitive uses.

**Policy 2.6.5.4 Preserve/Protect Open Space.**
The site plan shows a minimum of 25% open space (65.83± acres) to be provided.

## CONCURRENCY

**CLOS APPLIED FOR:** Y _____ N __x__
**TRAFFIC STUDY REQ'D:** Y _____ N __x__ (not at this stage)

| NEAREST ROADWAY | LINK(S) | ADOPTED LOS | EXISTING LOS |
|---|---|---|---|
| US 301 | Link 3412 - from Harrison Ranch to Chin Rd | D | B |
| Chin Rd | Link 4070 – from Old Tampa Rd to US 301 | D | C |
| Old Tampa Rd | Link 2831 from US 301 to 89th Ave E | D | C |
| | Link 2831 from 89th Ave E to Chin Rd | D | D |
| | Link 2832 from Chin Rd to Ft Hamer Rd | D | D |

A "Deferral and Acknowledgement of Eventual Requirement for Concurrency Certification" has been received. Applicant is advised that when seeking further development approval(s) for this project, the "Deferral" does not exempt applicant from the requirement for a Certificate of Level of Service Compliance.

A Local Development Agreement was approved concurrent with approval of the Preliminary Site Plan, PDR-05-60(Z)(P). An amendment to the LDA is proposed concurrent with this request. Typically, a CLOS is not issued with a GDP. The earliest opportunity to obtain concurrency is with a PSP.

The CLOS was never issued for the previously approved PSP because the issuance of the CLOS is conditioned upon the applicant complying with the terms of the LDA, which include a payment for the applicant's share of the cost of construction of the concurrency improvements. The applicant must apply for issuance of the CLOS prior to expiration of the General Development Plan. Once issued, the CLOS will be valid for a period of eight years from the date of issuance however, the CLOS shall not extend beyond June 10, 2023. The CLOS will cover transportation, recreation/open space, solid waste and storm water.

Wastewater and potable water determined with FSP/Construction Plans

## SPECIFIC APPROVALS – ANALYSES, RECOMMENDATIONS, FINDINGS

**Applicant Request(s):**

1. **Alternative to LDC Section 604.10.3.5**

Requirement: Minimum 50-ft wide thoroughfare roadway buffer in the North Central Overlay District.

The proposed buffer along Harrison Ranch Boulevard will meet a minimum width of 20-ft.

**Staff Analysis and Recommendation**

The GDP depicts dedication of 120-feet of right-of-way for the extension of Harrison Ranch Boulevard. In order to allow for flexibility of design, there are areas where the full 50' buffer is not maintained adjacent to the proposed right-of-way. For that reason, the applicant requests Specific Approval to allow a minimum buffer width of 20' along Harrison Ranch Boulevard. The applicant proposes to build two lanes of the proposed four lane future thoroughfare (resulting in a two-lane collector roadway). The public purpose of the LDC regulation is satisfied to an equivalent degree with the 20' wide buffer because a 20' roadway buffer is the required size for a buffer along a thoroughfare roadway that is not located in the North Central Overlay District.

**Finding for Specific Approval**

Notwithstanding the failure of this plan to comply with the requirements of LDC Section 604.10.3.5, the Board finds that the public purpose of the LDC regulations are satisfied to an equivalent degree with the 20' wide buffer because a 20' roadway buffer is the required size buffer for thoroughfare roadway that is not located in the North Central Overlay District.

2. **Alternative to LDC Section 907.9.4.1 Dead-end streets longer than 800-feet.**

**Alternative to:** LDC Section 907.9.4.1, which allows a temporary dead end street when the street will ultimately provide for the continuation of streets between adjacent properties. A temporary dead end street is not to exceed 800 feet and a temporary turn around or cul-de-sac is required.

**Applicant Proposes:** The applicant proposes a temporary dead-end roadway that will be approximately 1,850 feet long in Phase 1. The area of the site is located in the northeast corner of the project and contains a large wetland area to the west, which precludes a second means of internal access or a looped road. The adjacent property is currently undeveloped and likely planned for

non-residential development. The applicant has agreed to provide a turn-around at 800' intervals or the midpoint of the cul-de-sac, in order to meet the intent of the regulation. In addition, the developer will provide an emergency access from Harrison Ranch Boulevard Extension to Phase 1 prior to or concurrent with issuance of the Final Plat. The temporary emergency access is shown on the General Development Plan and the 1,850 foot long roadway is illustrated on Exhibit A.2., attached to this staff report. The General Development Plan also shows an access point to the adjacent property, so when that property is developed and the emergency access is removed, an access point from this subdivision to the adjacent property will be provided.

**Staff Analysis and Recommendation:** The remedies proposed by the applicant meet the intent of the Land Development Code regarding access. Although the roadway will exceed 800 feet in length, the provision of a turn-around at 800' intervals or at the midpoint of the cul-de-sac, and the provision of a temporary emergency access will allow first responders (Fire, Law Enforcement, and EMS) access from two entry points. Staff recommends approval.

**Finding for Specific Approval:** Notwithstanding the failure of this plan to comply with the requirements of LDC Section 907.9.4.1, the Board finds that the public purpose of the LDC regulations are satisfied to an equivalent degree with the temporary emergency access and turn-around at 800 foot intervals or at the midpoint of the cul-de-sac. Additionally, when the adjacent property is developed, and the emergency access is removed, a permanent access to the adjacent property will be provided, as shown on the General Development Plan.

**3. Alternative to LDC Section 907.9.4.2 Cul-de-sac roadways longer than 800 feet**

**Alternative to:** LDC Section 907.9.4.2, which requires that all roads that are not intended to extend beyond the limits of a subdivision provide a cul-de-sac and the cul-de-sac street is to be 800 feet or less in length.

**Applicant proposes:** The applicant proposes a 1,200 foot cul-de-sac roadway because this portion of the project in Phase 3 is uniquely shaped and difficult to reach without building a longer roadway than normal. The applicant also seeks to preserve the most desirable trees in this area. In order to meet the intent of the Land Development Code, staff recommends the applicant provide a turn-around at either 800 feet, or at the midpoint of the cul-de-sac. The 1,200 foot cul-de-sac roadway is illustrated on Exhibit A.1, which is attached to this staff report.

**Staff Analysis and Recommendation:** The remedies recommended by staff meet the intent of the Land Development Code, because staff recommends a stipulation to require a turn-around to be provided at either 800 feet or at the midpoint of the cul-de-sac. Staff recommends approval.

**Finding for Specific Approval:** Notwithstanding the failure of this plan to comply with the requirements of LDC Section 907.9.4.2, the Board finds that the public purpose of the LDC regulations are satisfied to an equivalent degree with a turn-around at either 800 feet, or at the midpoint of the cul-de-sac.

4. **Alternative to LDC Section 907.9.1.3 – Inter-neighborhood tie**

**Alternative to:** LDC Section 907.9.1.3, which requires that local streets be extended to the property limits of subdivision to allow for the logical extension of streets to complete the inter-neighborhood road system ties.

**Applicant proposes:** The Aberdeen neighborhood strongly opposed the inter-neighborhood tie during the rezoning hearing for this project. The Preliminary Site Plan that was approved in 2010 allowed for the inter-neighborhood tie to be a gated emergency only access. The applicant requests Specific Approval to eliminate the full connection to Aberdeen to respect the wishes of the adjacent neighborhood.

**Staff Analysis and Recommendation:** Providing a gated emergency only access, in lieu of a full access is a good compromise to address neighboring residents' concerns. It will provide an alternative means of access to first responders (EMS, Law Enforcement, and Fire). Staff recommends approval.

**Finding for Specific Approval:** Notwithstanding the failure of this plan to comply with the requirements of LDC Section 907.9.1.3, the Board finds that the public purpose of the LDC regulations are satisfied to an equivalent degree with an emergency only access.

5. **Alternative to LDC Section 712.2.8 – Second means of access**

**Alternative to:** LDC Section 712.2.8, which requires a second means of access for all residential developments, or phases thereof containing more than 100 units.

**Applicant proposes:** The phase of the project adjacent to Aberdeen will contain approximately 175 units with one full means of access and a secondary Emergency only access.

**Staff Analysis and Recommendation:** In light of the fact that residents of Aberdeen objected to the full connection to their subdivision, the proposal to provide an emergency only access meets the intent of the Land Development Code, because two means of access will be provided for emergency vehicles. Staff has reviewed this request and recommends approval.

**Finding for Specific Approval:** Notwithstanding the failure of this plan to comply with the requirements of LDC Section 712.2.8, the Board finds that the public purpose of the LDC regulations are satisfied to an equivalent degree with an emergency only access.

6. **Alternative to LDC Section 604.10.3.3.k – Design Standards, Additional Setback from the Greenbelt Buffer.**

**Alternative to:** LDC 604.10.3.3.k requires lots adjacent to roadway and greenbelt buffers to have a minimum fifteen (15) feet building setback for buildings, swimming pools, pool cages, or other structures that would potentially conflict with buffer vegetation in the North Central Overlay District.

**Applicant proposes:** The applicant carefully considered the regulation, the intent behind it, and considered ways to achieve the intent while providing flexibility from the standards. After due consideration, they requested the use of specific species of trees that naturally have an upright form and produce a more narrow tree canopy. These include Highrise Live Oak, Dahoon Holly, Loblolly Bay and Slash Pine. The applicant contends that using these trees within the greenbelt buffer accomplishes two things – provides assurance that the buffer will serve as it was designed, providing natural screening between the project and the adjacent parcels; and if a property owner chose to construct a pool deck within 5' of a lot line, the integrity of the buffer and the health of the trees would not be compromised in their natural state, satisfying the intent of the LDC by protecting the buffer plantings to an equivalent degree.

**Staff Analysis and Recommendation:** Staff has some concern with the request, because as we assess vegetation on mature projects, we observe conflicts with tree canopies and pool cages in rear yards. Staff recommends that should the Specific Approval be granted, all trees within the reduced buffer be planted 10' (midway) from the edge of the buffer. Additionally, staff recommends the trees be restricted to those with a columnar form (such as Dahoon Holly, Loblolly Bay, or Slash Pine) or understory trees.

**Finding for Specific Approval:** Notwithstanding the failure of this plan to comply with the requirements of LDC section 604.10.3.3.k, the Board finds that the public purpose and intent of the LDC regulations are satisfied to an equivalent degree because the applicant will be required to plant trees 10' (midway) from the edge of the buffer and will be required to utilize specific trees with a columnar form or understory trees.

**ATTACHMENTS**

1. **Applicable Comprehensive Plan Policies**
2. **Request for Specific Approval**
3. **Copy of Newspaper Advertising**
4. **Exhibit A-1 (Long cul-de-sac)**
6. **Exhibit A-2 (Long cul-de-sac)**

| APPLICABLE COMP PLAN POLICIES | | |
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| 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 and redevelopment, when deemed compatible with existing and future development, and redevelopment area planning efforts when applicable in areas which are internal to, or are contiguous expansions of the built environment. |
| Policy: | 2.1.2.7 | Review all proposed development for compatibility and appropriate timing. This analysis shall include:<br>- consideration of existing development patterns,<br>- types of land uses,<br>- transition between land uses,<br>- density and intensity of land uses,<br>- natural features,<br>- approved development in the area,<br>- availability of adequate roadways,<br>- adequate centralized water and sewer facilities,<br>- other necessary infrastructure and services.<br>- limiting urban sprawl<br>- applicable specific area plans<br>- (See also policies under Objs. 2.6.1 - 2.6.3) |
| Policy: | 2.2.1.10 | **RES-3:** Establish the Residential-3 Dwelling Units/Gross Acre future land use category as follows: |

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| 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 | Range of Potential Density/Intensity:<br><br>Maximum Gross Residential Density:<br>3 dwelling units per acre<br><br>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"<br><br>Maximum Net Residential Density:<br>6 dwelling units per acre<br><br>9 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 2.3.1.5 and 4.3.1.5)<br><br>Maximum Floor Area Ratio:<br>0.23 (0.35 for mini-warehouse uses only)<br>1.00 inside the CRA's and UIRA<br><br>Maximum Square Footage for Neighborhood Retail Uses: Medium (150,000sf) |

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| Policy: | 2.2.1.10.4 | Other Information:<br><br>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.<br><br>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.<br><br>c) Any nonresidential project exceeding 30,000 square feet of gross building area shall require special approval. |
| Policy: | 2.2.1.11 | **UF-3:** Establish the Urban Fringe - 3 Dwelling Units/Gross Acre future land use category as follows: |
| Policy: | 2.2.1.11.1 | Intent: To identify, textually, in the Comprehensive Plan's goals, objectives, and policies, or graphically on the Future Land Use Map, areas limited to the urban fringe within which future growth (and growth beyond the long term planning period) is projected to occur at the appropriate time in a responsible manner. The development of these lands shall follow a logical expansion of the urban environment, typically growing from the west to the east, consistent with the availability of services. At a minimum, the nature, extent, location of development, and availability of services will be reviewed to ensure the transitioning of these lands is conducted consistent with the intent of this policy. These UF-3 areas are those which are established for a low density urban, or clustered low-moderate density urban, residential environment, generally developed through the planned unit development concept. 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 environments, and in limited circumstances non-residential uses of a community serving nature to allow for a variety of uses within these areas which serve more than the day to day needs of the community. (See further policies under 2.2.1.11.5 for guidelines) |

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| Policy: 2.2.1.11.2 | Range of Potential Uses (see Policies 2.1.2.3 - 2.1.2.7, 2.2.1.5): Suburban or urban density planned residential development with integrated residential support uses as part of such developments, retail wholesale or office commercial uses which function in the marketplace as neighborhood or community serving, short-term agricultural uses, agriculturally-compatible residential uses, farmworker housing, 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: 2.2.1.11.3 | Range of Potential Density/Intensity:<br><br>Maximum Gross Residential Density:<br>3 dwelling units per acre<br><br>Maximum Net Residential Density:<br>9 dwelling units per acre<br>(except within the WO or CHHA Overlay Districts pursuant to Policies 2.3.1.5 and 4.3.1.5)<br><br>Maximum Floor Area Ratio:<br>0.23 (0.35 for mini-warehouse uses only)<br><br>Maximum Square Footage for Neighborhood Retail Uses: Medium (150,000sf)<br>Large (300,000)*<br>*With Limitations (See Policy 2.2.1.11.5) |
| Policy: 2.2.1.11.4 | Other Information:<br><br>a) All mixed, multiple-use, and community serving non-residential projects require special approval, as defined herein, and as further<br><br>defined in any land development regulations developed pursuant to § 163.3202, F.S.<br><br>b) All projects for which gross residential density exceeds 1 dwelling unit per acre, or in which any net residential density exceeds 3 dwelling units per acre, shall require special approval. |

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| | | c) Any nonresidential project exceeding 30,000 square feet shall require special approval. |
| Policy: | 2.2.1.11.5 | In order to serve more than day to day needs within the low-moderate density urban environment, properties meeting the following criteria may be developed with land uses which are defined as community serving non-residential uses:<br><br>a) Located at the intersection of an arterial and a collector roadway as defined in the Chapter 5 of this plan. |
| 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:<br><br>- use of undisturbed or undeveloped and landscaped buffers<br><br>- use of increased size and opacity of screening<br><br>- increased setbacks<br><br>- innovative site design (which may include planned development review)<br><br>- appropriate building design<br><br>- limits on duration/operation of uses<br><br>- noise attenuation techniques<br><br>- limits on density and/or intensity [see policy 2.6.1.3] |

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| | | Implementation Mechanism(s):<br><br>a) Maintain setback, screening, buffering, and other appropriate mitigation techniques in land development regulations.<br><br>b) Planning Department review of development approvals to ensure policy compliance. |
| 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. |
| 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: | 2.6.5.4 | 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.<br><br>Land uses within the Watershed Overlay District shall meet additional requirements required by the Comprehensive Plan (See also Policy 2.2.2.2.5) |
| Objective: | 2.9.1 | **Strong Communities:** Create and maintain communities which are characterized by their:<br><br>- connection, integration, and compatibility with surrounding land uses,<br><br>- community spaces and focal points,<br><br>- protection of the natural environment,<br><br>- connection and integration of pedestrian, bicycle, and vehicular systems,<br><br>- usable open spaces, and public access to water features,<br><br>- unifying design elements and features,<br><br>- variety of housing stock, |

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| | | - pedestrian oriented structures, and pedestrian friendly design,<br><br>- connection to recreational facilities, schools, adjacent neighborhoods, employment opportunities and commercial uses. |
| Policies: | 2.9.1.1 | Minimize the development of residential projects which create isolated neighborhoods. |

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October 31, 2011

Mr. Katie LaBarr, Principal Planner
Manatee County Planning Department
P.O. Box 1000
Bradenton, FL 34206-1000

Re: Silverleaf{PDR-11-14(G) DTS #00000071
Specific Approval Requests

Dear Katie:

This letter is written in accordance with Section 603.3.2 of the Land Development Code to request Specific Approval for alternatives to standard Land Development Code requirements for a Planned Development project. On behalf of Neal Communities Land Development, Inc., King Engineering Associates respectfully requests approval of the following:

1. **Section 604.10.3.5.1 - Roadway buffers for residential and other uses.**

   Section 604.10.3.5.1 requires a 50' wide buffer along thoroughfare roadways located in the NCO (North Central Overlay) District. This section of the Code reads:

   *"For residential and other non-commercial/office uses, a minimum fifty-foot wide roadway buffer shall be provided along all property lines adjacent to designated Thoroughfare Roads. The required landscaping in the roadway buffer, as specified in the following and generally depicted in Figure 604.10.3.5, shall provide eighty-five (85) percent opacity to a height of six (6) feet as viewed from the edge of pavement from the nearest outside travel lane of the adjacent Thoroughfare road within three (3) years from the date of the first Final Plat or Certificate of Occupancy, whichever occurs first.*

   *Unless a Landscaping design from the North Central Overlay Planting Manual is used, the following plantings are required in the buffer:*

   *(a)Canopy trees. Three (3) canopy trees per one hundred (100) linear feet of buffer, or fraction thereof, whichever occurs first, which meet the following minimum standards:*

   *(i)Three-inch caliper as measured six (6) inches from the base of the tree;*

   *(ii)Twelve (12) feet in height;*

   *(iii)Five (5) feet spread."*

   The Silverleaf project previously received Specific Approval to reduce the roadway buffer from 50' to 20' along Harrison Ranch Boulevard, and we request to carry this approval forward with the revised General Development Plan. Section 604.10.3.5.1 requires a minimum 50' wide roadway buffer to

be provided along all property lines adjacent to designated Thoroughfare Roads. The plan for Silverleaf depicts the dedication of 120-feet of right-of-way for the extension of Harrison Ranch Boulevard. The total land area dedicated to a future 4-lane roadway and 100 feet of buffers for the length of the thoroughfare roadway through the project has a significant impact on the project. In order to allow for flexibility of design, there are areas where the full 50 foot buffer is not maintained adjacent to the proposed right-of-way. Therefore, the applicant requests Specific Approval to allow a minimum buffer of 20-feet along Harrison Ranch Boulevard. It is also important to note that the applicant is proposing to only build two of the proposed 4-lane roadway (resulting in a two-lane collector roadway), therefore a 20' roadway buffer will be adequate to provide buffering for the proposed residential units. The public purpose of the LDC regulation is satisfied to an equivalent degree with the 20-foot wide buffer because a 20' roadway buffer is the required size for a buffer along a thoroughfare roadway that is not located in the North County Overlay District. Given that the 4-laneing of this section of Harrison Ranch Boulevard is not anticipated within the next 20-years, the effective buffer will greatly exceed 50-feet along this right-of-way.

**2. Section 907.9.4.1 Dead-End Streets Longer Than 800'**

The LDC regulates temporary dead-end streets by Section 907.9.4.1. It states:

*"A temporary dead end street will be allowed when such street will ultimately provide for the continuation of streets between adjacent properties as stipulated in Section 907.9. A temporary dead end street shall not exceed eight hundred (800) feet. A temporary turn-around or cul-de-sac shall be constructed to the Manatee County Public Works Standards, with a minimum diameter of ninety (90) feet of paved surface. The Planning Director may waive the requirement for the temporary turnaround pavement within multiphase projects."*

The Silverleaf project previously received Specific Approval for a dead-end roadway that exceeds 800', and we request to carry this approval forward with the revised General Development Plan. This area of the site is located in the northeast corner of the project and contains a large wetland area to the west, which precludes a second means of internal access or a looped roadway. Additionally, the site does not allow for an inter-neighborhood tie in this location, as the adjacent property is undeveloped, and likely planned for non-residential development. As previously agreed to, the applicant will provide turn-arounds at 800' intervals in order to meet the intent of this regulation. Additionally, the Developer will provide an emergency access from Harrison Ranch Boulevard Extension to Phase I prior to issuance of the first Certificate

of Occupancy. This access is shown on the General Development Plan and the 1,850' long roadway is illustrated on Exhibit A.2, attached to this letter.

**3. Section 907.9.4.2 Cul-de-sac roadways longer than 800'**

Section 907.9.4.2 of the LDC regulates the length of cul-de-sac roadways and reads,

*"Where a road is not intended to extend beyond 907.9.4.2. the limits of a subdivision in accordance with this Section, a cul-de-sac or turn-around shall be constructed. For greater convenience to traffic, and more efficient police and fire protection, a cul-de-sac or turn-around street shall not exceed eight hundred (800) feet in length. Cul-de-sac and turn-arounds shall be constructed to the Manatee County Public Works Standards and paved with a minimum unobstructed, diameter of ninety (90) feet, unless specifically approved by the Fire District."*

This portion of the project is uniquely shaped and difficult to reach without building a longer roadway than normal. In designing the roadway, all efforts will be made to preserve the most desireable trees that exist in this area, which is one of the reasons for requesting Specific Approval The latest GPS technology has greatly improved the accuracy of responses to off-site emergencies, which is not reflected in the antiquated language contained in this Code regulation. Considering the latest technology used for locating addresses in an emergency will allow the Board to find the intent of the regulation is met to an equivalent degree. The 1,200' cul-de-sac roadway is illustrated on Exhibit A.1, which is attached to this letter.

**4. Inter-neighborhood Tie**

Section 907.9.1.3 requires that streets be extended to the property limits of the subdivision to allow for the logical future extension of the streets into adjacent undeveloped land and to new and existing adjacent development to complete the inter-neighborhood roadway system. This section of the Code reads,

*"Local streets shall be extended to the property limits of the subdivision to allow for the logical future extension of the streets into adjacent undeveloped land and to new and existing adjacent developments adjacent to complete the inter-neighborhood road system ties. Non-egress easements prohibiting access to streets or adjoining property shall not be permitted unless the easement is designated in accordance with the Manatee County Public Works Standards and is dedicated to Manatee County."*

The Aberdeen neighborhood strongly opposed the inter-neighborhood tie during the rezoning hearing for this project. The Board of County Commissioners sided with the Aberdeen residents and waived the requirement. Out of respect for that decision, we request Specific Approval to eliminate the full connection to Aberdeen and provide a gated emergency access only. We believe that this compromise is a good example of the balance achieved between development rights and neighborhood desires which results in a well-designed master planned community. This is also a good example of the reason the Land Development Code allows the Board to consider requests for Specific Approval for relief from standard regulations.

**5. Section 712.2.8 – Second Means of Access**

Section 712.2.8 requires a second means of access for all residential developments, or phases thereof containing more than 100 units.

Section 712.2.8 of the Code reads:

*"All residential developments or parts of phases thereof, containing more than one hundred (100) residential dwelling units; and all professional, commercial, and manufacturing development, or parts of phases thereof, containing more than fifty (50) lots, shall have a second separate means of access (street), which shall afford an alternate means of safe entry to and egress from the development (see second means of access, Diagram A). The second means of access (street) shall have the access to a through street, either public or private, constructed to county standards, other than that street on which the primary access is located, (see Diagram A, Number 1 preferred). If a second means of access is not available to another street, another direct access street to the same primary access street is acceptable if the primary access street is a public thoroughfare available for travel in either direction, and separated from the other access by a minimum of three hundred (300) feet (see Diagram A, Number 2). If a separate secondary access street other than from another street or a separate secondary access street from the same primary street separated by at least three hundred (300) feet is not available; then the separation of three hundred (300) feet may be reduced between streets subject to other design considerations addressing fire protection, public safety, traffic, storm water management and other Manatee County Development Standards (see Diagram A, Number 3). Upon request of the property owner submitting an application for a Planned Development Residential, where a specific design incorporates site security elements for the planned development residential; the Board, Planning Director and Design Review Committee may consider an alternative design for the construction of the secondary means of access within or at the property line. The alternative design shall incorporate specific security provisions to allow satisfactory ingress by emergency vehicles. The right-of-way design standards for width and radii shall be adhered to. In addition, the*

*design shall retain the construction of appropriate utilities and drainage requirements. The security components shall include the construction of and maintenance criteria for security gates and signage, in addition to the road base and surface stability for emergency vehicles. The area above the ground surface shall remain free and unobstructed to allow ready access by emergency vehicles to the planned development. "*

The phase of the project adjacent to Aberdeen will contain approximately 175 units with one full means of access and a secondary emergency access to Aberdeen, as discussed above. This will allow the project to be found to meet the intent of the regulation.

**6. Section 604.10.3.3.k – Design Standards, Additional Setback from the Greenbelt Buffer.**

Section 604.10.3.3(k) of the LDC requires that in order to avoid conflicts with buffer vegetation, lots adjacent to roadway and greenbelt buffers shall have a minimum fifteen (15) foot building setback for buildings, swimming pools, pool cages, or other structures that would potentially conflict with buffer vegetation. This section of the LDC reads,

*"(k) To avoid conflicts with buffer vegetation, lots adjacent to roadway and greenbelt buffers shall have a minimum fifteen (15) feet building setback for buildings, swimming pools, pool cages, or other structures that would potentially conflict with buffer vegetation."*

The applicant has carefully considered this regulation, the intent behind it, and looked for ways to achieve the intent and provide flexibility from the standard. After due consideration, the project Landscape Architect suggests that we provide 4 different species of trees that naturally have an upright form and produce a narrower tree canopy. The following trees are recommended as the trees available to be planted within the greenbelt buffers: (1) Highrise Live Oak, (2) Dahoon Holly, (3) Loblolly Bay, and (4) Slash Pine.

Utilizing these trees within the buffer accomplishes two things: (1) It provides assurance that the buffer will serve as it was designed, providing natural screening between the project and the adjacent parcels; and (2) if a property owner chooses to construct a pool deck within 5' of the lot line, the integrity of the buffer and the health of the trees will not be compromised in their natural state. This should satisfy the intent of Section 604.10.3.3(k) by protecting the buffer plantings to an equivalent standard.

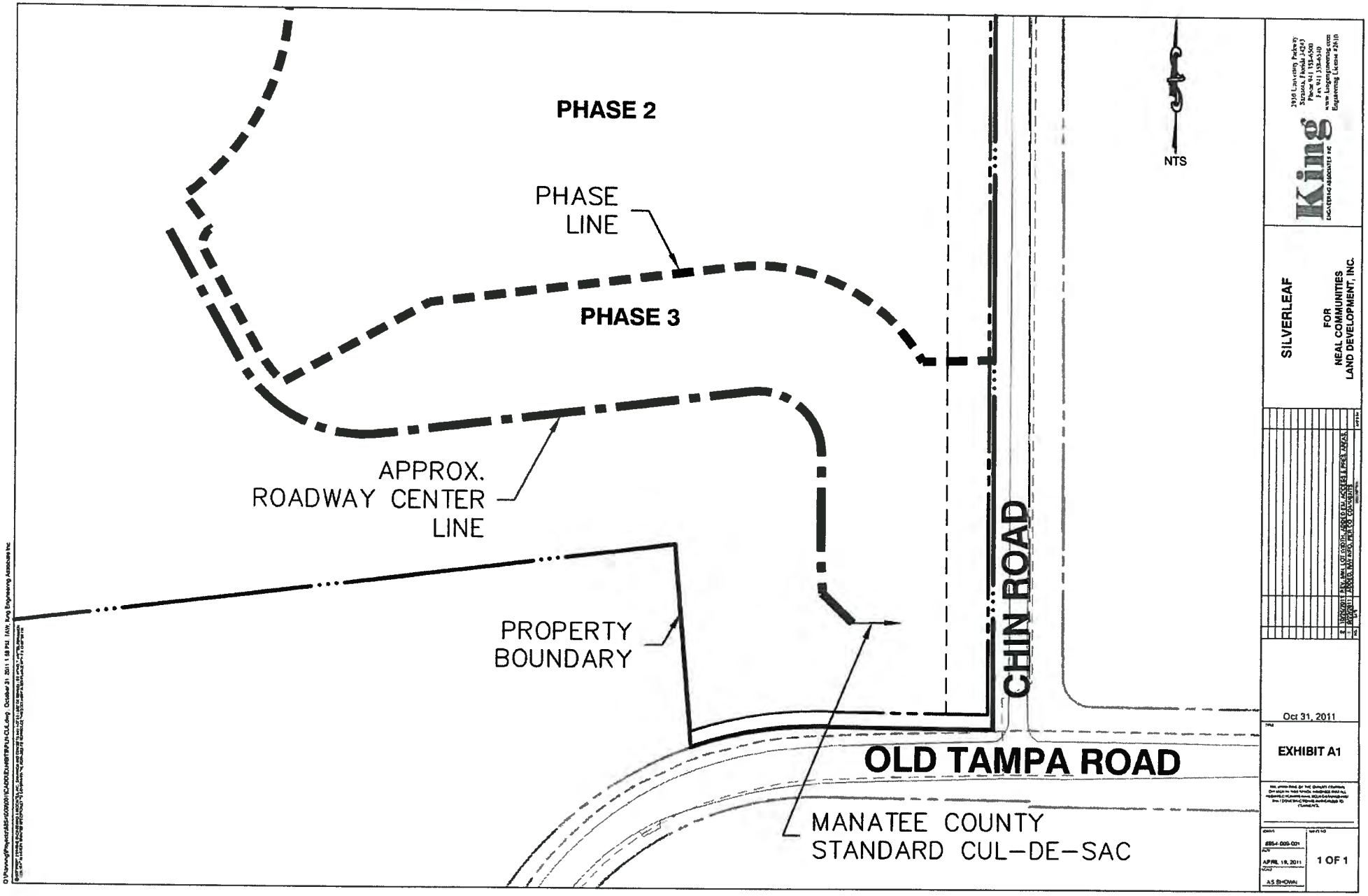
Thank you for carefully considering our requests, and don't hesitate to contact me at 941-358-6500 should you need additional information or have questions.

Respectfully submitted,

Misty Servia
Planning Dept. Manager

MMS/dck

Exhibits A.1 and A.2 attached.


PHASE 2
PHASE LINE
PHASE 3
APPROX. ROADWAY CENTER LINE
PROPERTY BOUNDARY
CHIN ROAD
OLD TAMPA ROAD
MANATEE COUNTY STANDARD CUL-DE-SAC
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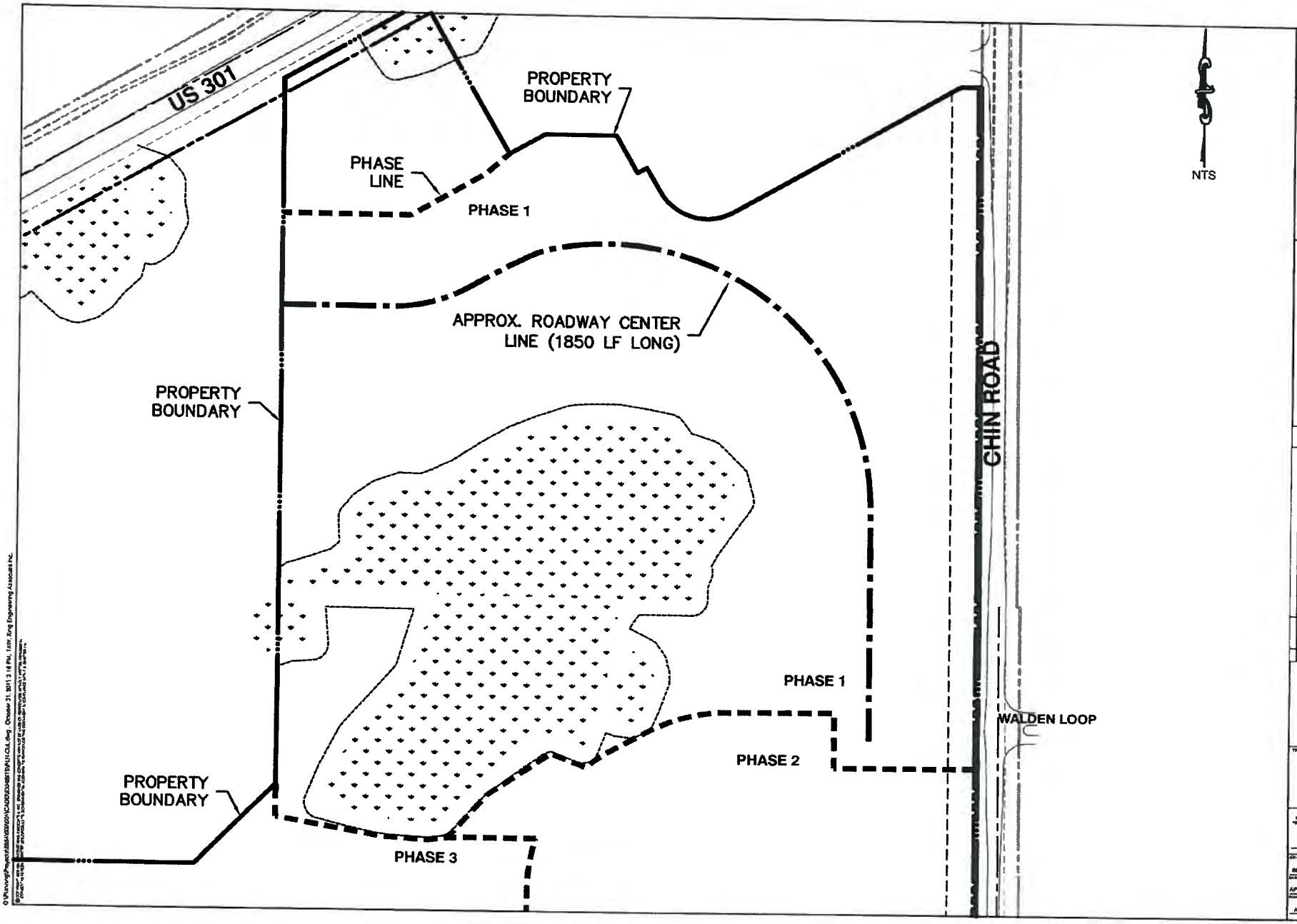
SILVERLEAF
FOR NEAL COMMUNITIES LAND DEVELOPMENT, INC.
Oct 31, 2011
EXHIBIT A1
APRIL 19, 2011
AS SHOWN
1 OF 1

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SILVERLEAF

FOR
NEAL COMMUNITIES
LAND DEVELOPMENT, INC.

Oct 31, 2011

EXHIBIT A2

8854 008-001

APRIL 18, 2011

AS SHOWN

1 OF 1

# Copy of Newspaper Advertising

## Bradenton Herald

**NOTICE OF ZONING CHANGES IN UNINCORPORATED MANATEE COUNTY**

TICE IS HEREBY GIVEN, the **Planning Commission Manatee County** will con- t a Public Hearing on **rsday, December 8, 2011 at ) a.m. at the Manatee nty Government inistrative Center, 1st or Chambers, 1112 Manatee nue West, Bradenton, ida** to consider, act upon, forward a recommendation ne Board of County nmissioners on the following ters:

**I-11-14(G) – MML I LLC & CI IV LLC/SILVERLEAF**
S #20110225/B000071)
Ordinance of the Board of nty Commissioners of natee County, Florida, arding land development, roving a General elopment Plan for 732 sin- family detached units on roximately 263.35 acres on south side of US 301, south Harrison Ranch Boulevard, t of Chin Road, and north Old Tampa Road; subject to ulations as conditions of roval; setting forth findings; viding a legal description; viding for severability, and viding an effective date.

**I-08 – MANATEE MEMORI- HOSPITAL FOUNDATION, ./MANATEE MEMORIAL SPITAL REZONE**
S #20110272)
Ordinance of the Board of nty Commissioners of natee County, Florida, ending the official zoning s (Ordinance No. 90-01, the natee County Land elopment Code), relating to ing within the unincorporat- area; providing for the oning of approximately 0.24 es at 604 46th Street West, denton from the RSF-4.5 sidential 4.5 dwelling units gross acre) to the GC neral Commercial) zoning rict; setting forth findings; viding a legal description; viding for severability, and viding an effective date.

**I-09 – CORTEZ REINVEST- NTS, LLC**
S # 20110312)
Ordinance of the Board of nty Commissioners of natee County, Florida, ending the official zoning s (Ordinance No. 90-01, the natee County Land elopment Code), relating to ng within the unincorporat- area; providing for a rezone of approximately 1.46 acres north of SR 684 (Cortez Road W) and approximately 2,750 feet west of the intersection of Cortez Road and 86th Street West, at 9416 Cortez Road W., Bradenton from the RSF-4.5 (Residential Single-Family, 4.5 dwelling units per acre) and RSF-4.5/CH (Residential Single-Family, 4.5 dwelling units per acre/Coastal High Hazard Area Overlay District) to the PR-M (Professional-Medium) and PR-M/CH (Professional-Medium/Coastal High Hazard Area Overlay District) zoning districts; setting forth findings; providing a legal description; providing for severability, and providing an effective date.

**PDC-11-16(Z)(G) – 8154 LLC/BAYSIDE PET RESORT**
(DTS #20110291(1))
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 the rezoning of approximately 3.24± acres on the west side of U.S. 41, at 8154 N. Tamiami Trail, Bradenton from GC/AI (General Commercial/Airport Impact Overlay) and RSF-3 (Residential Single-Family – 3 Dwelling Units per Gross Acre) to the PDC/AI (Planned Development Commercial/Airport Impact Overlay) and PDC (Planned Development Commercial) zoning district; approve a General Development Plan for use of an existing commercial building for a kennel; subject to stipulations as conditions of approval; setting forth findings; providing a legal description; providing for severability, and providing an effective date.

All interested parties are invited to appear at this public hearing and be heard, subject to proper rules of conduct. Additionally, any written comments filed with the Director of the Building and Development Services Department will be heard and considered by the Planning Commission and entered into the record.

It is important that all parties present their concerns to the Planning Commission in as much detail as possible. The issues identified at the Planning Commission hearing will be the primary basis for the final decision by the Board of County Commissioners. Interested parties may examine the Official Zoning Atlas, the applications, related documents, and may obtain assistance regarding these matters from the Manatee County Building and Development Services Department, 1112 Manatee Avenue West, 2nd Floor, Bradenton, Florida, telephone number (941) 748-4501x6878; e-mail to: planning.agenda@mymanatee.org

According to Section 286.0105, Florida Statutes, if a person decides to appeal any decision made with respect to any matters considered at such meetings or hearings, he or she will need a record of the proceedings, and for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record would include any testimony or evidence upon which the appeal is to be based.

**Americans With Disabilities:** The Board of County Commissioners of Manatee County does not discriminate upon the basis of any individual's disability status. This non-discrimination policy involves every aspect of the Board's functions including one's access to and participation in public hearings. Anyone requiring reasonable accommodation for this meeting as provided for in the ADA, should contact Kaycee Ellis at 742-5800; TDD ONLY 742-5802 and wait 60 seconds, or FAX 745-3790.

THIS HEARING MAY BE CONTINUED FROM TIME TO TIME PENDING ADJOURNMENTS.
MANATEE COUNTY PLANNING COMMISSION
Manatee County Building and Development Services Department
Manatee County, Florida
**11/22/2011**

## Sarasota Herald Tribune

**NOTICE OF ZONING CHANGES IN UNINCORPORATED MANATEE COUNTY**

NOTICE IS HEREBY GIVEN, that the Planning Commission of Manatee County will conduct a Public Hearing on Thursday, December 8, 2011 at 9:00 a.m. at the Manatee County Government Administrative Center, 1st Floor Chambers, 1112 Manatee Avenue West, Bradenton, Florida to consider, act upon, and forward a recommendation to the Board of County Commissioners on the following matters:

PDR-11-14(G) – MML I LLC & PGCI IV LLC/SILVERLEAF
(DTS #20110225/B000071)
An Ordinance of the Board of County Commissioners of Manatee County, Florida, regarding land development, approving a General Development Plan for 732 single family detached units on approximately 263.35 acres on the south side of US 301, south of Harrison Ranch Boulevard, west of Chin Road, and north of Old Tampa Road; subject to stipulations as conditions of approval; setting forth findings; providing a legal description; providing for severability, and providing an effective date.

Z-11-08 – MANATEE MEMORIAL HOSPITAL FOUNDATION, INC./MANATEE MEMORIAL HOSPITAL REZONE
(DTS #20110272)
An Ordinance of the Board of County Commissioners of Manatee County, Florida, amending the official zoning atlas (Ordinance No. 90-01, the Manatee County Land Development Code), relating to zoning within the unincorporated area; providing for the rezoning of approximately 0.24 acres at 604 46th Street West, Bradenton from the RSF-4.5 (Residential 4.5 dwelling units per gross acre) to the GC (General Commercial) zoning district; setting forth findings; providing a legal description; providing for severability, and providing an effective date.

Z-11-09 – CORTEZ REINVESTMENTS, LLC
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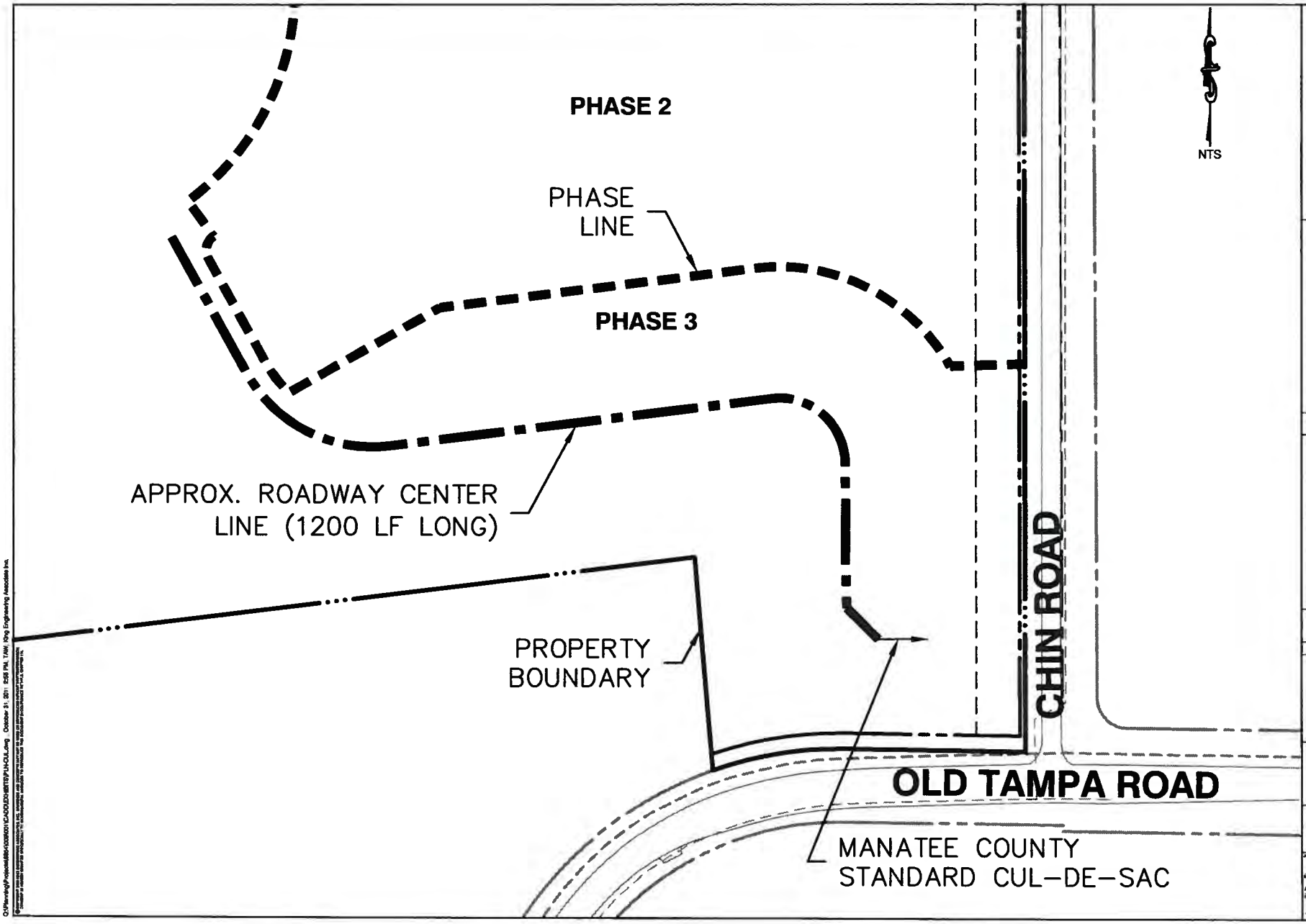
THIS HEARING MAY BE CONTINUED FROM TIME TO TIME PENDING ADJOURNMENTS.
MANATEE COUNTY PLANNING COMMISSION
Manatee County Building and Development Services Department
Manatee County, Florida
Date of pub: November 22, 2011

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SILVERLEAF

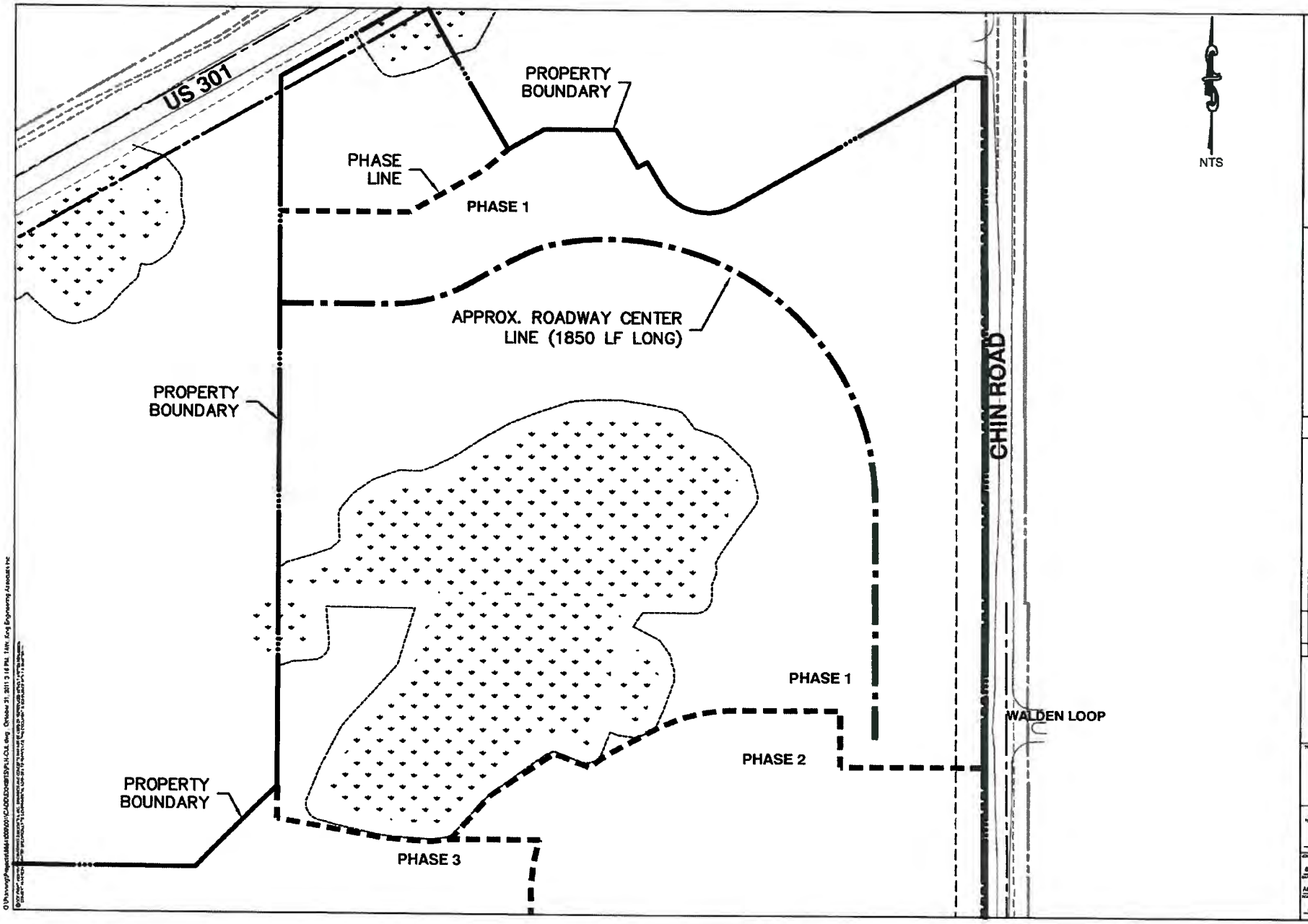
FOR
NEAL COMMUNITIES
LAND DEVELOPMENT, INC.

Oct 31, 2011

EXHIBIT A1

THE SIGNATURE OF THE SURVEY GENERAL OFFICER IN THIS SPACE INDICATES THAT ALL REGULATORY PERMITS HAVE BEEN OBTAINED AND THAT CONSTRUCTION IS AUTHORIZED TO COMMENCE.

| | |
|---|---|
| JOB NO. 6864-009-001 | SHEET NO. 1 OF 1 |
| DATE APRIL 19, 2011 | |
| SCALE AS SHOWN | |

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ENGINEERING ASSOCIATES INC.

SILVERLEAF

FOR
NEAL COMMUNITIES
LAND DEVELOPMENT, INC.

Oct 31, 2011

EXHIBIT A2

8564 088-001

APRIL 19, 2011

AS SHOWN

1 OF 1

# SILVERLEAF

## GENERAL DEVELOPMENT PLAN

SECTION 1, TOWNSHIP 34 S, RANGE 18 E
SECTION 6, TOWNSHIP 34 S, RANGE 19 E

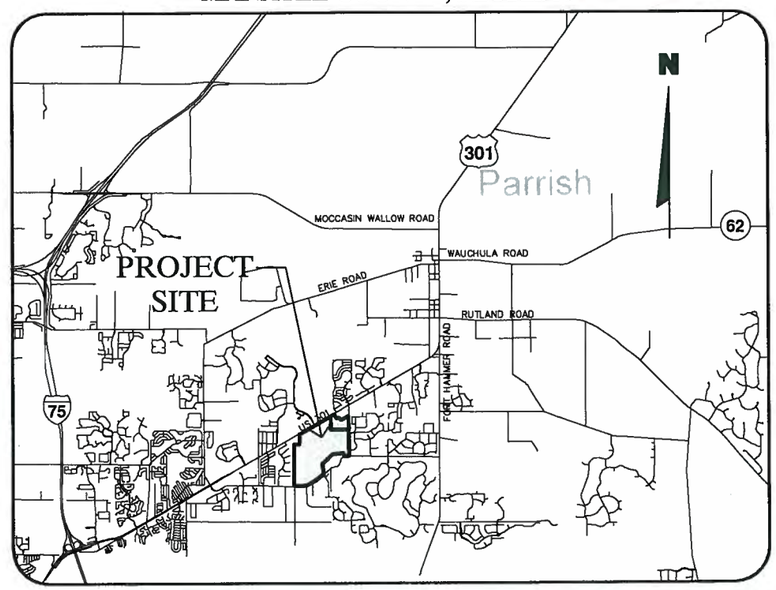
MANATEE COUNTY, FLORIDA

| Sheet List Table | |
|---|---|
| **Sheet Number** | **Sheet Title** |
| C1.01 | COVER SHEET |
| C1.02 | AERIAL |
| C2.01 | GENERAL DEVELOPMENT PLAN |
| D1.01 | COTTAGE UNIT DETAIL |

PDR-11-14(G)
20110225(3)
MML I, LLC & PGCI IV, LLC/Silverleaf, Phases 1-6

### NOTES

1. THE SITE IS CURRENTLY ZONED PDR/NCO AND IS USED FOR AGRICULTURE.
2. THERE ARE NO KNOWN FOUNDATIONS, MOUNDS, MIDDEN AREAS, HISTORIC SITES, BUILDINGS OR PLATTED STREETS LOCATED ON THIS SITE.
3. THERE ARE WETLANDS UNDER THE JURISDICTION OF SWFWMD AND/OR FDEP WITHIN THE BOUNDARIES OF THIS PLAN. ACREAGE AND LOCATIONS OF ENVIRONMENTAL AREAS AND MITIGATION AREAS ARE APPROXIMATE AND ARE SUBJECT TO FINAL DETERMINATION BY APPROPRIATE AGENCIES.
4. THERE ARE WELLS IDENTIFIED WITHIN THE BOUNDARIES OF THIS PLAN.
5. MINIMUM 25% OPEN SPACE WILL BE PROVIDED FOR THE OVERALL PROJECT.
6. EXISTING TREE GROUPINGS, OTHER THAN THOSE WITHIN DELINEATED WETLANDS, ARE AGRICULTURAL IN NATURE.
7. THERE ARE NO PERENNIAL STREAMS ON SITE OR ADJACENT TO THE PROJECT.
8. RESIDENTIAL LOTS WILL ACCOUNT FOR AN ADDITIONAL 35' AGRICULTURAL SETBACK AT THE TIME OF FINAL PLAT FOR LOTS ADJACENT TO AN ACTIVE AGRICULTURAL USE, IF REQUIRED BY THE LDC.
9. ALL BUILDING HEIGHTS WILL BE IN ACCORDANCE WITH THE NCO STANDARDS.
10. ALL ACCESS POINTS WILL MEET LDC STANDARDS.
11. PROJECT WILL COMPLY WITH PEDESTRIAN CIRCULATION REQUIREMENTS, AS REQUIRED BT THE LDC.
12. A MINIMUM OF 8.0 ACRES OF USEABLE OPEN SPACE WILL BE PROVIDED.




VICINITY MAP

### SITE DATA

| | |
|---|---|
| TOTAL PROJECT AC | 263.35 |
| TOTAL WETLAND AC | APPROX. 14.77 AC (5.6% OF SITE) |
| TOTAL UNITS | 732 |
| UNIT TYPES | SINGLE FAMILY DETACHED UNITS (50% MAX. WILL BE COTTAGE UNITS) |
| FLOOD ZONES F.I.R.M. PANEL #120153-0215C | X |

**MINIMUM SETBACKS:** SEE SHEET C2.01

**MINIMUM BUFFER:**

| | |
|---|---|
| US 301 | = 50' |
| CHIN ROAD | = 50' |
| OLD TAMPA ROAD | = 50' |
| WEST BOUNDARY | = 20' |
| NORTH BOUNDARY (NOT ADJACENT TO 301) | = 20' |
| SOUTH BOUNDARY (NOT ADJACENT TO OLD TAMPA ROAD) | = 20' |
| SILVERLEAF PARKWAY | = 20' |

**OVERALL DENSITY CALCULATION**

GROSS RESIDENTIAL DENSITY:

$$\frac{\text{TOTAL UNITS}}{\text{TOTAL ACRES}} = \frac{732}{263.35} = 2.78 \text{ DU/AC}$$

APPROX. NET RESIDENTIAL DENSITY:

$$\frac{\text{TOTAL UNITS}}{\text{GROSS RESIDENTIAL AC (263.35 ac) - PUBLIC RIGHTS OF WAY (40.69 ac) - CONSERVATION AREA, EASEMENTS \& RECREATION (119.58 ac)}} = \frac{732}{140.34} = 5.2 \text{ DU/AC}$$

FOR:

# NEAL COMMUNITIES LAND DEVELOPMENT, INC.

8210 LAKEWOOD RANCH BLVD.
BRADENTON, FLORIDA 34202
PHONE: (941) 328-1111

BY: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Received
FEB 02 2012
ZONING

| NO. | DATE | DESCRIPTION | APPD BY |
|---|---|---|---|
| 4 | 01/16/2012 | ADDED SHEET D1.01 | |
| 3 | 11/16/2011 | REM APPROX., ADDED SOUTH BUFFER INFO TO SITE DATA. | |
| 2 | 10/26/2011 | REV. MAX. COTTAGE UNITS TO 50%. | |
| 1 | 9/29/2011 | REV. PER CO. COMMENTS. | |

JOB NO. 8854-009-001
DATE: 06/28/2011
C1.01


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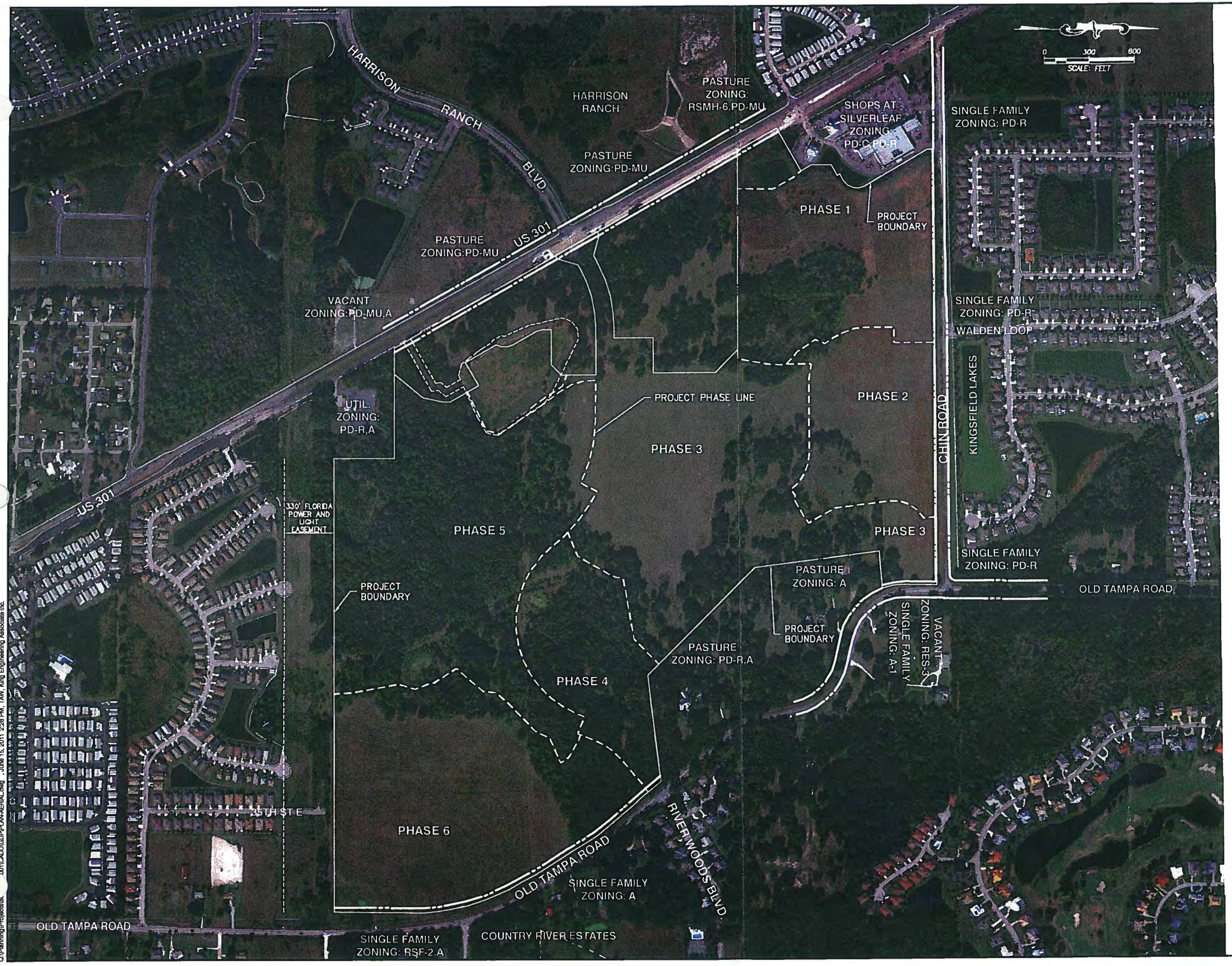


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| NO. | DATE | DESCRIPTION | APPD/BY |
|---|---|---|---|

**SILVERLEAF**

**NEAL COMMUNITIES**
**LAND DEVELOPMENT, INC.**

Jun 15, 2011

TITLE

**AERIAL**

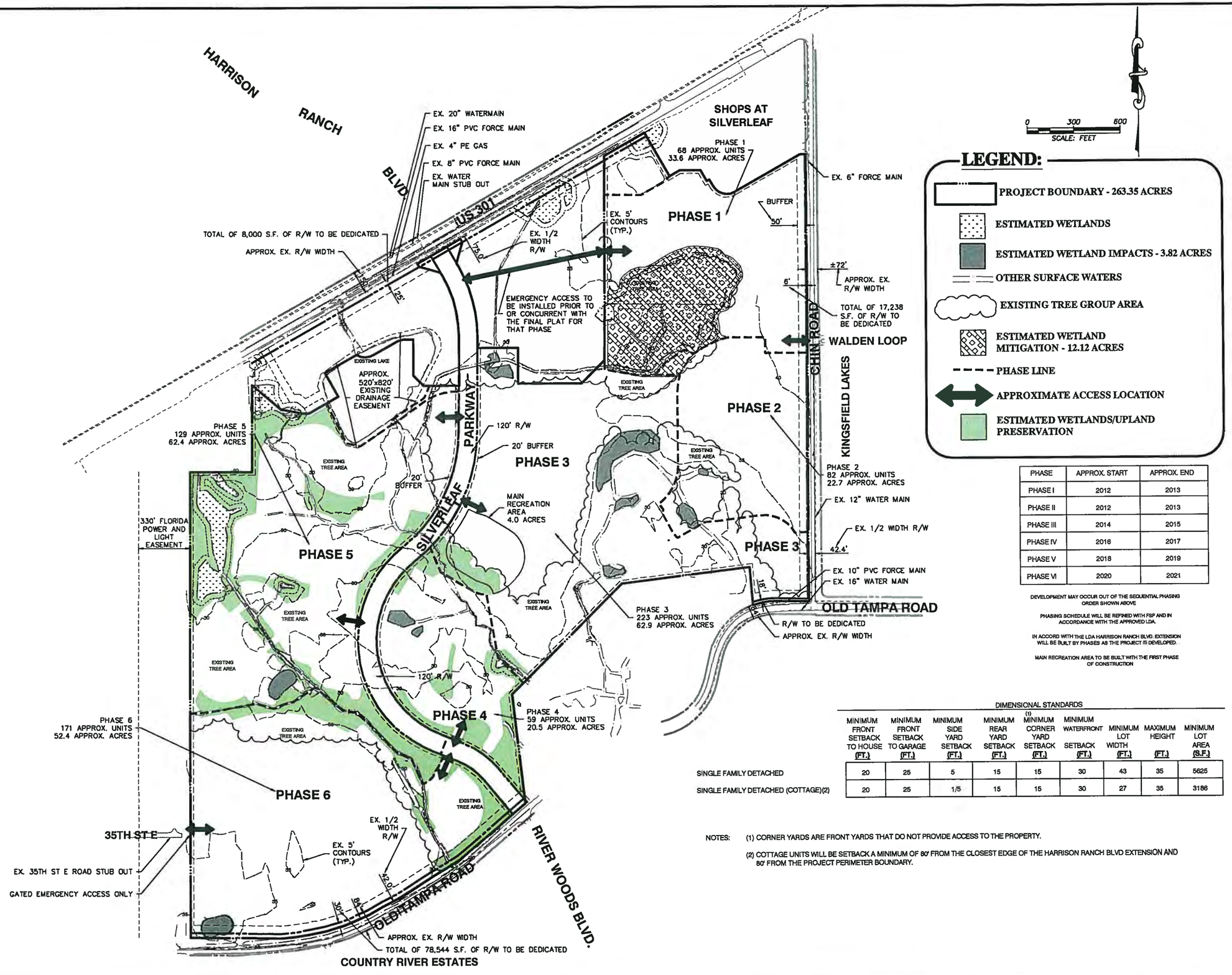
THE SIGNATURE OF THE QUALITY CONTROL OFFICER IN THIS SPACE INDICATES THAT ALL REQUIRED PERMITS HAVE BEEN OBTAINED AND THAT CONSTRUCTION IS AUTHORIZED TO COMMENCE.

JOB NO. 8854-009-001

DATE: APRIL 19, 2011

SCALE: AS SHOWN

SHEET NO. C1.02




| PHASE | APPROX. START | APPROX. END |
|---|---|---|
| PHASE I | 2012 | 2013 |
| PHASE II | 2012 | 2013 |
| PHASE III | 2014 | 2015 |
| PHASE IV | 2016 | 2017 |
| PHASE V | 2018 | 2019 |
| PHASE VI | 2020 | 2021 |

DEVELOPMENT MAY OCCUR OUT OF THE SEQUENTIAL PHASING ORDER SHOWN ABOVE

PHASING SCHEDULE WILL BE REFINED WITH FSP AND IN ACCORDANCE WITH THE APPROVED LDA.

IN ACCORD WITH THE LDA HARRISON RANCH BLVD. EXTENSION WILL BE BUILT BY PHASES AS THE PROJECT IS DEVELOPED.

MAIN RECREATION AREA TO BE BUILT WITH THE FIRST PHASE OF CONSTRUCTION

DIMENSIONAL STANDARDS

| | MINIMUM FRONT SETBACK TO HOUSE (FT.) | MINIMUM FRONT SETBACK TO GARAGE (FT.) | MINIMUM SIDE YARD SETBACK (FT.) | MINIMUM REAR YARD SETBACK (FT.) | (1) MINIMUM CORNER YARD SETBACK (FT.) | MINIMUM WATERFRONT SETBACK (FT.) | MINIMUM LOT WIDTH (FT.) | MAXIMUM HEIGHT (FT.) | MINIMUM LOT AREA (S.F.) |
|---|---|---|---|---|---|---|---|---|---|
| SINGLE FAMILY DETACHED | 20 | 25 | 5 | 15 | 15 | 30 | 43 | 35 | 5625 |
| SINGLE FAMILY DETACHED (COTTAGE)(2) | 20 | 25 | 1/5 | 15 | 15 | 30 | 27 | 35 | 3186 |

NOTES: (1) CORNER YARDS ARE FRONT YARDS THAT DO NOT PROVIDE ACCESS TO THE PROPERTY.

(2) COTTAGE UNITS WILL BE SETBACK A MINIMUM OF 80' FROM THE CLOSEST EDGE OF THE HARRISON RANCH BLVD EXTENSION AND 80' FROM THE PROJECT PERIMETER BOUNDARY.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SILVERLEAF

FOR NEAL COMMUNITIES LAND DEVELOPMENT, INC.

| NO. | DATE | DESCRIPTION | APPD BY |
|---|---|---|---|
| 3 | 11/16/2011 | REV. EM ACCESS NOTE & COTTAGE NOTES. | |
| 2 | 10/26/2011 | REV. MIN. LOT WIDTH, ADDED EM. ACCESS & PRES. AREAS. | |
| 1 | 02/02/2011 | ADDED. R/W INFO. PER CO. COMMENTS. | |

Feb 2, 2012

TITLE

# GENERAL DEVELOPMENT PLAN

THE SIGNATURE OF THE QUALITY CONTROL OFFICER IN THIS SPACE INDICATES THAT ALL REQUIRED PERMITS HAVE BEEN OBTAINED AND THAT CONSTRUCTION IS AUTHORIZED TO COMMENCE.

JOB NO. 8854-009-001

DATE APRIL 19, 2011

SCALE AS SHOWN

SHEET NO. C2.01


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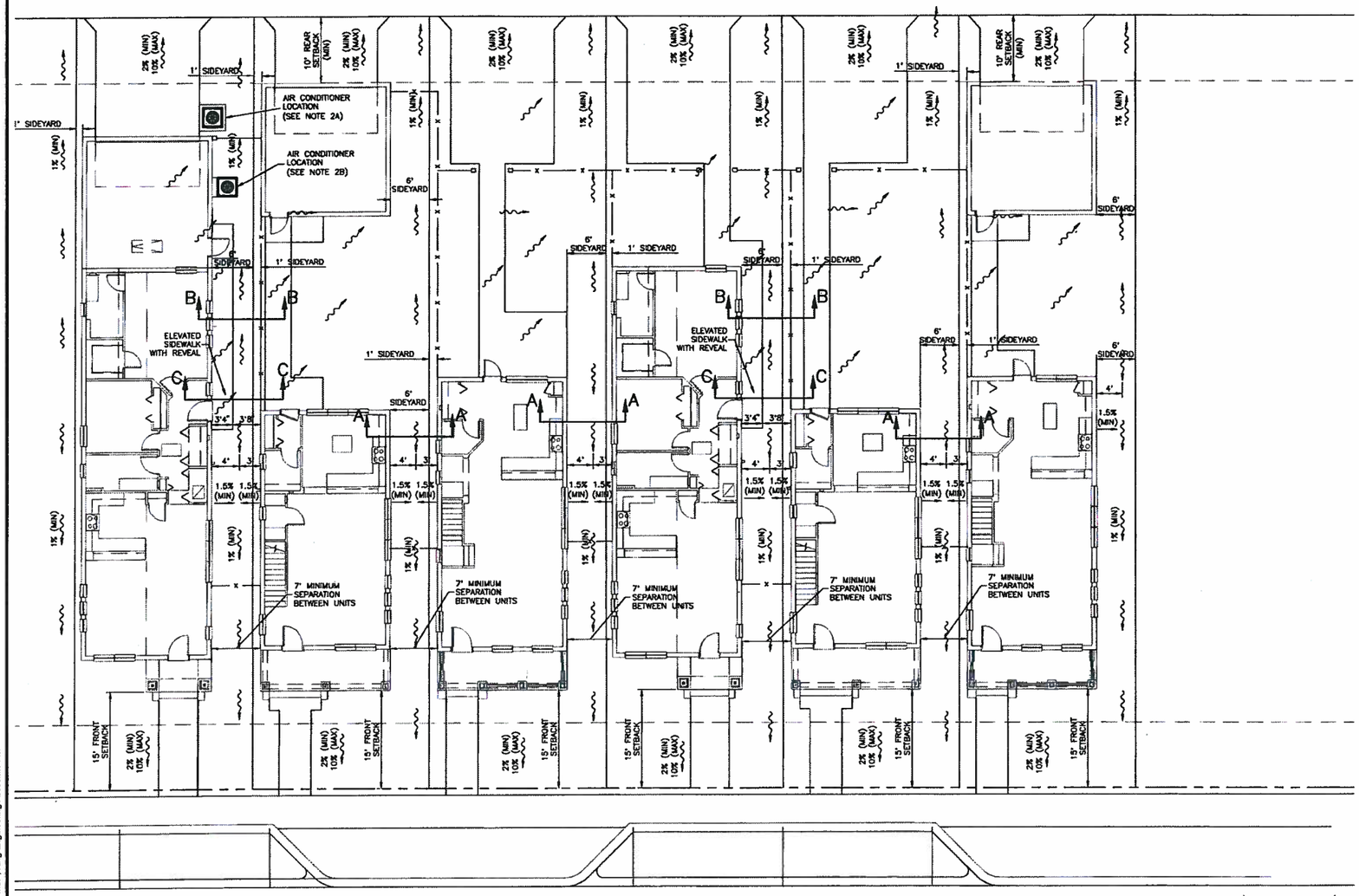
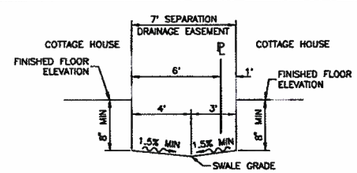


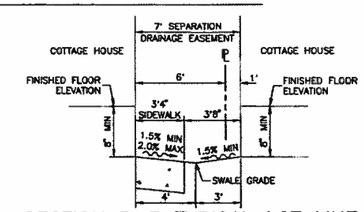

NOTE:
FINISHED FLOOR MINIMUM 21" ABOVE CL OF ROAD

NOTE:
MINIMUM GRADE SLOPES ARE AS FOLLOWS:
FRONT YARD – 2.0%
REAR AND SIDE YARDS – 1.5%
SWALES – 1.0%

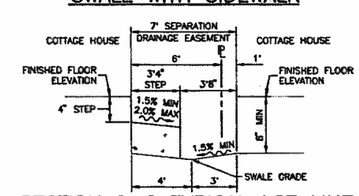
## TYPICAL LOT GRADING PLAN



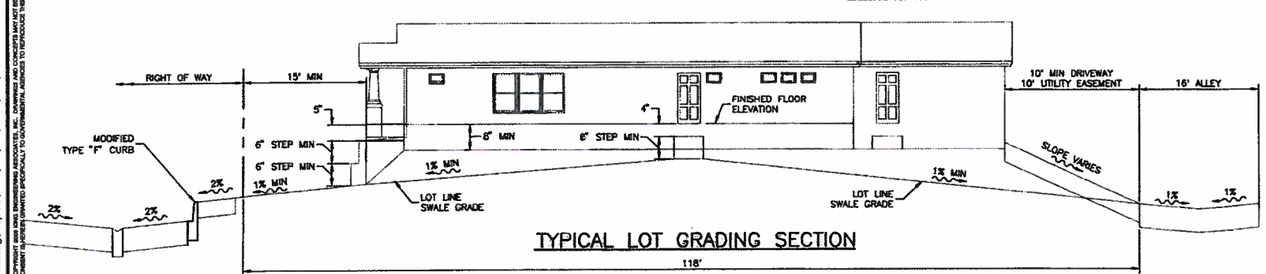

## SECTION A–A TYPICAL LOT LINE SWALE




## SECTION B–B TYPICAL LOT LINE SWALE WITH SIDEWALK




## SECTION C–C TYPICAL LOT LINE SWALE WITH ELEVATED SIDEWALK




## TYPICAL LOT GRADING SECTION

## 27' SINGLE FAMILY DETACHED NOTES

1. A SEVEN FOOT PRIVATE DRAINAGE EASEMENT (8 FEET ALONG ONE LOT LINE AND ONE FOOT ALONG THE OPPOSITE LOT LINE) SHALL BE DEDICATED BETWEEN EACH SINGLE-FAMILY DETACHED RESIDENCE. THE DRAINAGE EASEMENT SHALL BE FOR THE USE OF COLLECTION AND CONVEYANCE OF RUNOFF FROM EACH RESIDENCE.

2A. AIR CONDITIONER UNITS MAY BE PLACED ABOVE THE SIDE YARD DRAINAGE EASEMENTS ELEVATED ON BLOCKS OR CONCRETE SLAB, EXTENDING NO MORE THAN 2' INTO THE EASEMENT, AT THE REAR CORNER OF THE GARAGE. PUMPS, OR OTHER ACCESSORY STRUCTURES SHALL NOT BE INSTALLED WITHIN THE SIDE YARD DRAINAGE EASEMENT BETWEEN EACH RESIDENCE. LANDSCAPING IN THE DRAINAGE EASEMENT SHALL NOT BE PLACED WITHIN THE MIDDLE ONE-THIRD (1/3) OF ANY DRAINAGE SWALE OR EASEMENT.

2B. AS AN ALTERNATIVE TO 2A. ABOVE, AIR CONDITIONER UNITS MAY BE PLACED ABOVE THE SIDE YARD DRAINAGE EASEMENT, ALONG THE SIDE OF THE HOUSE OR GARAGE, PROVIDED THAT THEY ARE SUSPENDED ON BRACKETS ABOVE THE EASEMENT, AND MAY EXTEND NO MORE THAN 3'-10" INTO THE EASEMENT. PUMPS, OR OTHER ACCESSORY STRUCTURES SHALL NOT BE INSTALLED WITHIN THE SIDE YARD DRAINAGE EASEMENT BETWEEN EACH RESIDENCE. LANDSCAPING IN THE DRAINAGE EASEMENT SHALL NOT BE PLACED WITHIN THE MIDDLE ONE-THIRD (1/3) OF ANY DRAINAGE SWALE OR EASEMENT.

3. THE BOTTOM OF FENCES ALONG OR WITHIN DRAINAGE EASEMENTS SHALL BE ELEVATED ABOVE GRADE TO ALLOW THE FREE FLOW OF DRAINAGE.

4. YARD DRAINAGE INLETS SHALL BE UTILIZED WHERE DRIVEWAYS, PATIOS, SIDEWALKS, OR OTHER RAISED SURFACES PROHIBIT THE FREE FLOW OF DRAINAGE RUNOFF. YARD DRAIN INLETS SHALL BE UTILIZED WHERE LANDSCAPING WOULD PROHIBIT THE FREE FLOW OF DRAINAGE RUNOFF. YARD DRAIN INLETS SHALL BE CONNECTED BY PIPES WHICH DRAIN INTO A STORMWATER MANAGEMENT FACILITY FOR THE PROJECT.

5. ROOF GUTTERS SHALL BE INSTALLED ON THE OVERHANG OF EACH SINGLE FAMILY DETACHED RESIDENCE WHERE THERE IS A ONE (1) FOOT SIDE SETBACK. ROOF GUTTERS SHALL DRAIN DIRECTLY INTO THE PROPERTY LINE SWALE OR INTO A PIPED YARD DRAIN SYSTEM THAT IS CONNECTED TO A STORMWATER MANAGEMENT FACILITY FOR THE PROJECT, WHERE LANDSCAPING IS IN CONFLICT. THERE SHALL BE NO MORE THAN 6" OF ROOF OVERHANG PLUS GUTTERS ALONG THE SIDE OF EACH SINGLE FAMILY DETACHED RESIDENCE THAT FACE THE PROPERTY LINE WITH THE 1' SIDE SETBACK. THERE SHALL BE NO STRUCTURAL MEMBER OF ANY RESIDENCE THAT ENCROACHES ONTO THE ADJOINING LOT.

6. ALL DWELLINGS AND GARAGES SHALL UTILIZE TURN DOWN SLAB WITH 24" FORM BOARD CONSTRUCTION.

7. DURING INFRASTRUCTURE CONSTRUCTION, ALL LOTS SHALL BE ROUGH GRADED TO PROVIDE POSITIVE DRAINAGE RUNOFF TO RESPECTIVE STREETS, ALLEYS, OR CONNECTION TO THE STORMWATER MANAGEMENT SYSTEM.

8. ALL DWELLINGS SHALL HAVE A GARAGE TO ACCOMMODATE AT LEAST ONE CAR.

9. THESE SINGLE-FAMILY DETACHED RESIDENCES SHALL BE BUILT AND GRADED IN CLUSTERS.

10. IT HAS COME TO OUR ATTENTION THAT THE BUILDING DEPARTMENT HAS NOT BEEN ALLOWING THE HOME BUILDERS TO INCREASE THE SLOPE OF THE SIDE YARD SWALES AND NOT ALLOWING THE GRADING AT THE HIGH POINT TO BE ANY HIGHER THAN 0.20' ABOVE THE MINIMUM ELEVATION IDENTIFIED ON THE GRADING AND DRAINAGE PLANS FOR PROJECTS. AS THE ENGINEER OF RECORD FOR THIS PROJECT, WE HAVE NO OBJECTIONS TO THE BUILDERS PROVIDING FOR SLOPES GREATER THAN THOSE SHOWN ON THESE PLANS AS THESE PLANS IDENTIFY THE MINIMUM CRITERIA ONLY PER THE COUNTY LAND DEVELOPMENT CODE.

11. IT IS THE INTENT OF THIS DESIGN THAT THE COUNTY CRITERIA OF PROVIDING THE FINISH FLOORS TO BE AT LEAST 21" ABOVE THE CENTERLINE OF THE ROADWAY SHALL BE MEASURED FROM THE FRONTAGE ROAD (THE SUBDIVISION ROADWAY) AND NOT THE ALLEY.

12. PLEASE NOTICE THAT THE SIDE YARD SWALE GRADES ARE NOT LOCATED DIRECTLY ON THE LOT LINES. THIS IS TO IDENTIFY THAT THE SWALES ARE TO BE CREATED WITH THE OFFSETS FROM THE HOMES IDENTIFIED HEREIN, WHICH PLACES THE SWALE BOTTOMS INSIDE THE LOTS THEMSELVES.

13. THE FINAL DESIGN OF THE LOT GRADING IS DEPENDENT ON THE HOUSE PRODUCT SELECTED FOR THAT LOT. AS SUCH THE HIGH POINT LOCATIONS ON THE LOT (SHOWN ON THESE PLANS TO BE AT THE MIDPOINT OF THE LOTS) MAY VARY EITHER TOWARD THE STREET OR THE ALLEY IN ORDER TO MEET THE COUNTY GRADING CRITERIA.

14. THIS SHEET SATISFIES STIPULATION #5 OF THE APPROVED GDP, WHICH REQUIRES A TYPICAL LOT DRAINAGE PLAN AND CROSS SECTION FOR EACH SINGLE FAMILY RESIDENCE.

**NOTE:**
DETAILS PROVIDED BY OTHERS


King ENGINEERING ASSOCIATES, INC.
2930 University Parkway
Sarasota, Florida 34243
Phone 941 358-6500
Fax 941 358-6540
www.kingengineering.com
Engineering License #2610


SILVERLEAF

FOR
NEAL COMMUNITIES
LAND DEVELOPMENT, INC.

| NO. | DATE | DESCRIPTION | APPD BY |
|---|---|---|---|

Jan 11, 2012

TITLE
COTTAGE UNIT DETAIL

THE SIGNATURE OF THE QUALITY CONTROL OFFICER IN THIS SPACE INDICATES THAT ALL REQUIRED PERMITS HAVE BEEN OBTAINED AND THAT CONSTRUCTION IS AUTHORIZED TO COMMENCE.

JOB NO. 8854-009-001
DATE APRIL 19, 2011
SCALE AS SHOWN
SHEET NO. D1.01


C:\Planning\Projects\8854\009\001\CADD\GDP\COTTAGE UNIT DETAIL.dwg , February 2, 2012 8:39 AM, MSP, King Engineering Associate Inc.
©COPYRIGHT 2009 KING ENGINEERING ASSOCIATES, INC. DRAWINGS AND CONCEPTS MAY NOT BE USED OR REPRODUCED WITHOUT WRITTEN PERMISSION CONSENT AUTHORS GRANTED SPECIFICALLY TO GOVERNMENTAL AGENCIES TO REPRODUCE THIS DOCUMENT IN COMPLIANCE WITH F.S. CHAPTER 119.

# MANATEE COUNTY GOVERNMENT
## *AGENDA MEMORANDUM*

| | | | |
|---|---|---|---|
| **SUBJECT** | LDA-09-03(R) – Amended Local Development Agreement for Silverleaf Phases 1-6 | **TYPE AGENDA ITEM** | Advertised Public Hearing – Regular |
| **DATE REQUESTED** | 02/09/12 PC | **DATE SUBMITTED/REVISED** | 02/02/12 |
| **BRIEFINGS? Who?** | None | **CONSEQUENCES IF DEFERRED** | N/A |
| **DEPARTMENT/DIVISION** | Building & Development Services Division/ Comprehensive Planning and Public Hearings | **AUTHORIZED BY TITLE** | Robert Schmitt, AICP, Planning Division Manager |
| **CONTACT PERSON TELEPHONE/EXTENSION** | Tony Rodriguez/-748-4501 X6879 | **PRESENTER/TITLE TELEPHONE/EXTENSION** | Tony Rodriguez, County Transportation Planning Official/ 748-4501 X6879 |
| **ADMINISTRATIVE APPROVAL** | | | |

### ACTION DESIRED
**INDICATE WHETHER 1) REPORT; 2) DISCUSSION; 3) FORM OF MOTION; OR 4) OTHER ACTION REQUIRED**

Based upon the evidence presented, comments made at the public hearing and finding the request to be consistent with the Manatee County Comprehensive Plan and Manatee County Land Development Code, I move to recommend approval of the first amendment to LDA-09-03(R) for Silverleaf Phases 1-6, as recommended by staff.

### ENABLING/REGULATING AUTHORITY
**Federal/State law(s), administrative ruling(s), Manatee County Comp Plan/Land Development Code, ordinances, resolutions, policy**

Manatee County Comprehensive Plan and Manatee County Land Development Code.

### BACKGROUND/DISCUSSION

- The request is for approval of a first amendment to an LDA for the Silverleaf subdivision which is located in Manatee county, generally located on the south side of US 301, at the northwest corner of Old Tampa Road and Chin Road.

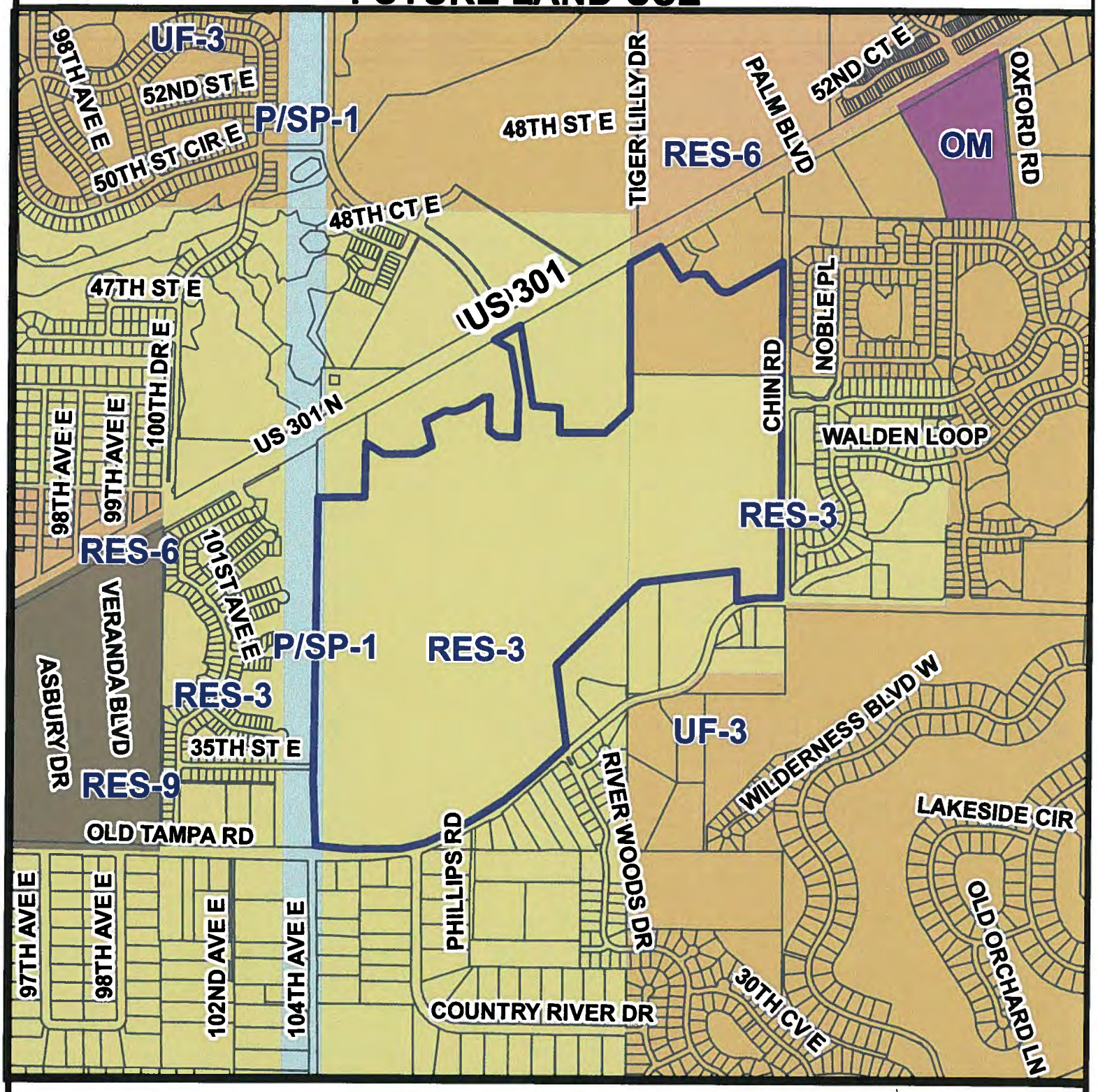
  **History**

  - On June 3, 2010, this site was rezoned from General Agriculture/North Central Overlay (A/NCO) to Planned Development Residential, retaining the North Central Overlay. A Preliminary Site Plan was approved for 713 single-family residential lots.
  - At the same hearing, a Local Development Agreement was approved, providing for the dedication of right-of-way, Proportionate Fair Share Mitigation for concurrency impacts, and an extended CLOS. To date, a CLOS has not yet been issued for this project.
  - On July 1, 2011, the applicant submitted an application for a General Development Plan. If it is approved, it will supersede the Preliminary Site Plan that was previously approved.
  - At the advice of the County Attorney's office, staff has required that the LDA associated with the development be amended to ensure the approval time frames not exceed what was originally agreed upon. A specific date has been established for CLOS approval. That date is June 10, 2023.
  - In addition, the applicant has revised the language to reference the General Development Plan, rather than the Preliminary Site Plan. Departmental references have also been updated.
- In accordance with state law and Section 510.9.2.2.1 of the LDC, the County is authorized to issue a CLOS for a term greater than three (3) years subject to the required public facilities and services being guaranteed in a Development Agreement.
- The original LDA and this First Amendment contain the same approved upon conditions.
- Staff recommends approval of this agreement.

| COUNTY ATTORNEY REVIEW | |
|---|---|
| **Check appropriate box** | |
| ☒ | **REVIEWED**<br>**Written Comments:**<br>☐ **Attached**<br>☒ **Available from Attorney (Attorney's initials: WEC)** |
| ☐ | **NOT REVIEWED (No apparent legal issues.)** |
| ☐ | **NOT REVIEWED (Utilizes exact form or procedure previously approved by CAO.)** |
| ☐ | **OTHER** |

| **ATTACHMENTS: (List in order as attached)** | | **INSTRUCTIONS TO BOARD RECORDS:** | |
|---|---|---|---|
| 1. LDA-09-03<br>2. Recommended LDA LDA-09-03(R)<br>3. Copy of Newspaper Advertising | | n/a | |
| **COST:** | n/a | **SOURCE (ACCT # & NAME):** | n/a |
| **COMMENTS:** | | **AMT./FREQ. OF RECURRING COSTS: (ATTACH FISCAL IMPACT STATEMENT)** | |

# FUTURE LAND USE



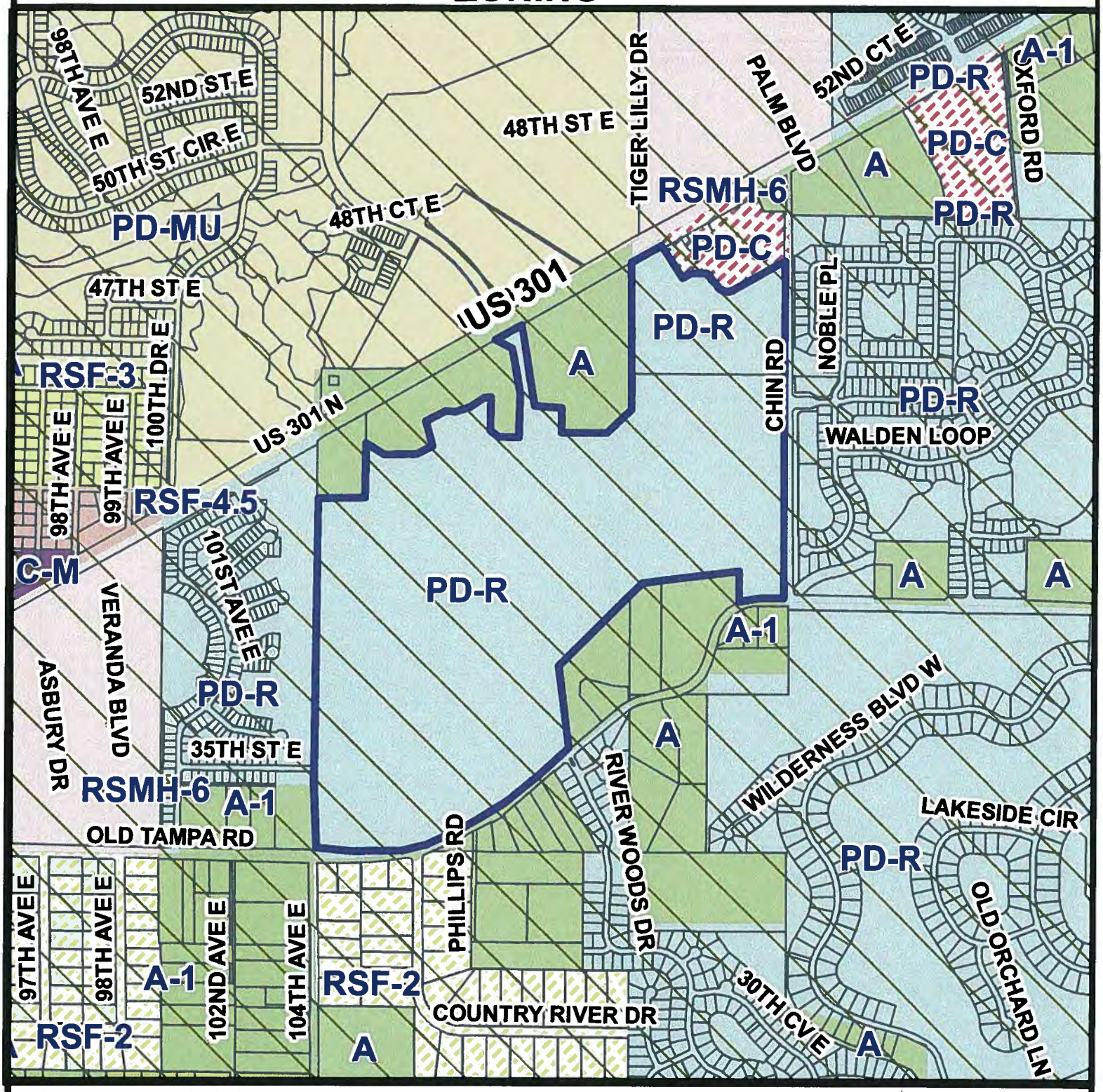

Parcel ID #(s) 502100209, 726820009

Manatee County
Staff Report Map

Map Prepared 8/10/2011
1 inch = 1,150 feet

| | |
|---|---|
| Project Name: | Silverleaf, Ph. 1-6 |
| Project #: | LDA-09-03 (R) |
| DTS#: | 20110410 |
| Proposed Use: | Residential |
| S/T/R: | Sec 6,1 Twn 34 Rng 19,18 |
| Acreage: | 263.35 |
| Existing Zoning: | PD-R |
| Existing FLU: | RES-3, UF-3 |
| Overlays: | NCO |
| Special Areas: | Greenway |
| CHH: | NONE |
| Watershed: | NONE |
| Drainage Basin: | MANATEE RIVER BL DAM |
| Commissioner: | Larry Bustle |

# ZONING

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Manatee County
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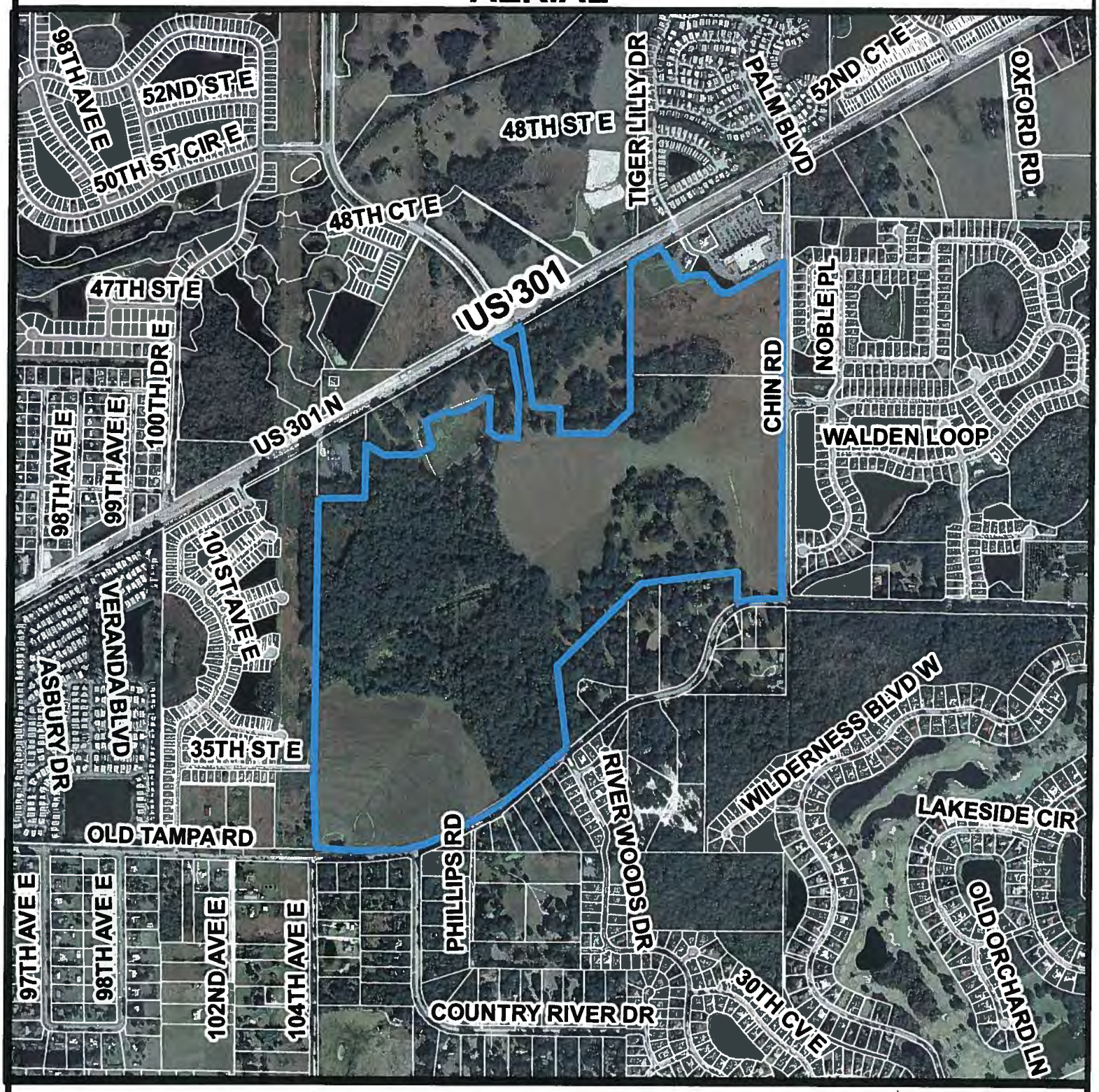
| Existing FLU: | RES-3, UF-3 |
| Overlays: | NCO |
| Special Areas: | Greenway |
| CHH: | NONE |
| Watershed: | NONE |
| Drainage Basin: | MANATEE RIVER BL DAM |
| Commissioner: | Larry Bustle |

**Overlays**

North Central Overlay

# AERIAL




Parcel ID #(s) 502100209, 726820009

Manatee County
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| Overlays: | NCO |
| Special Areas: | Greenway |
| CHH: | NONE |
| Watershed: | NONE |
| Drainage Basin: | MANATEE RIVER BL DAM |
| Commissioner: | Larry Bustle |

**SILVERLEAF**
**LOCAL DEVELOPMENT AGREEMENT**

This **LOCAL DEVELOPMENT AGREEMENT** ("Development Agreement") is made and entered into this 3rd day of June, 2010, by and between **MANATEE COUNTY**, a political subdivision of the State of Florida, whose address is 1112 Manatee Avenue West, Bradenton, Florida 34205, (the "County") and **PGCI IV, LLC**, a Florida Limited Liability Company, whose address is 8210 Lakewood Ranch Blvd, Bradenton, Florida 34202, (the "Applicant").

**WITNESSETH:**

**WHEREAS**, Applicant holds legal title to a 264± acre parcel of real property located in Manatee County and generally bounded by Old Tampa Road to the south, Chin Road to the east, US 301 to the north, and an existing FPL Easement to the west (the "Project Site"), the complete legal description for which is attached hereto as Exhibit "A"; and

**WHEREAS**, Applicant has applied for zoning and preliminary site plan approval from Manatee County pursuant to Application No. PDR-05-06 (Z) (P) to rezone the Project Site to the Planned Development Residential Zoning District and to allow single family detached residential units to be constructed on the Project Site (the "Project"); and

**WHEREAS**, the applicant has conveyed certain interests in land, and it is the intent of Applicant to dedicate or convey certain additional lands and, by such conveyances, to make a proportionate share contribution to the construction of certain improvements to the public facilities in the vicinity of the Project Site, all such lands and improvements intended to serve the needs of and address the impacts created by the Project (the "Improvements"); and

**WHEREAS**, the Improvements contemplated hereunder have been included within this Development Agreement for the purpose of addressing all aspects of concurrency for the Project and the provision of adequate public facilities and services needed to support such new development; and

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MANATEE COUNTY CLERK COURT
47 PAGES(S)
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**WHEREAS**, Section 163.3180, Florida Statutes, requires that public facilities and services needed to support new development shall be available concurrent with the impact of such new development; and

**WHEREAS**, simultaneously with approval of this Development Agreement, the Board of County Commissioners has approved the zoning and preliminary site plan applications referred to above subject to the condition that Applicant undertake certain actions as hereinafter specified and that performance of same be guaranteed in an enforceable Development Agreement as authorized by Sections 163.3220 through 163.3246, Florida Statutes; and

**WHEREAS**, the County has made a determination that a Certificate of Level of Service Compliance (a "CLOS") for the Project can be issued since the Project will not result in a reduction of the level of service standards adopted by the Comprehensive Plan of Manatee County (the "Comprehensive Plan") for solid waste, stormwater, law enforcement, public safety, and parks (with public school facilities, potable water and sanitary sewer deferred to the time of final site plan application); and

**WHEREAS**, the County has made a determination that a CLOS for transportation cannot be issued for the Project unless certain improvements, including without implied limitation dedication of real property and/or a proportionate share contribution to the construction of facilities, occur in the vicinity of the Project Site as more fully specified herein; and

**WHEREAS**, the Land Development Code (the "LDC") provides that a CLOS for the Project may be issued contingent upon the payment of proportionate share mitigation and/or construction of the necessary public facilities and services being guaranteed in an enforceable Development Agreement entered into pursuant to Sections 163.3220 through 163.3243, Florida Statutes; and

**WHEREAS**, in accordance with the applicable Florida Statutes and Section 510.9.2.1.1 of the LDC, the County is authorized to issue a CLOS for a term greater than three (3) years subject to the required public facilities and services being guaranteed in a Development Agreement; and

**WHEREAS**, pursuant to Section 163.3220, Florida Statutes, et seq., the County is authorized to enter into a Development Agreement; and

**WHEREAS**, certain of the Improvements to be constructed or dedicated or participated in by Applicant create additional capacity above that required by the Project for concurrency purposes and are therefore eligible for partial impact fee credits pursuant to Chapter 8 of the LDC; and

**WHEREAS**, the satisfaction of road concurrency obligations through proportionate share mitigation and the issuance of an extended CLOS for the Project are appropriate in this instance because (1) the Applicant has contributed significant interests in the Project Site which, though not eligible for impact fee credits, have resolved a major concurrency issue by facilitating the construction of improvements to U.S. 301 along the frontage of the Project Site, (2) the list of remaining concurrency improvements is relatively small, and (3) some of the remaining concurrency improvements will not be needed until a substantially later date; and

**WHEREAS**, the County intends to grant to Applicant impact fee credits (excluding potable water and wastewater facility investment fees) for the design, permitting, construction (and the payment of proportionate share mitigation in connection therewith), and/or dedication of such Improvements in such amounts as are authorized by the County's impact fee ordinance, except to the extent Applicant waives the right to receive such credits; and

**WHEREAS**, the first of two required public hearings on this Development Agreement was held by the Planning Commission on February 11, 2010, at which time the Planning Commission has reviewed this Development Agreement, has received the recommendation of the Planning staff, and has found the Development Agreement to be consistent with the Manatee County Comprehensive Plan; and

**WHEREAS**, the second required public hearing on this Development Agreement was held by the Board of County Commissioners (the "Board") on June 3, 2010, at which time the Board approved this Development Agreement and authorized the Chairman to execute the Development Agreement on behalf of Manatee County.

**NOW, THEREFORE**, in consideration of the mutual promises and covenants contained herein, the parties hereby agree as follows:

1. **Recitals True and Correct.** The recitals set forth above are true and correct and are incorporated herein by reference.

2. **Description of Development Uses.** The Project shall be developed including the following components:

- Seven hundred thirteen (713) single family detached and semi-detached units.

The maximum permitted height of any structure within the Project Site is thirty-five (35) feet for residential or commercial uses, measured pursuant to the applicable provisions of the LDC pertaining to maximum height of structures. The Project Site is located within the General Agricultural Zoning District and is to be rezoned to the Planned Development Residential Zoning District. The Project Site is within the Res-3 and UF-3 Future Land Use Classification of the Comprehensive Plan.

3. **Ownership of Land Subject to Development Agreement.** A legal description of the land subject to this Development Agreement (i.e., the Project Site, the 264 ± acre parcel of real property) is attached hereto as Exhibit "A". The current legal owner of the Project Site is: **PGCI IV, LLC**, a Florida Limited Liability Company.

4. **Definitions.** As used in this Agreement, the following words, terms, and phrases shall have the meanings ascribed to them here:

(A) "Concurrency Requirements": shall mean the dedication or conveyance of lands for public purposes and/or the design and construction of improvements to public facilities (and the payment of proportionate share mitigation in connection therewith) that the Applicant must provide to meet the concurrency requirements of the Land Development Code.

(B) "County Administrator": shall mean the County Administrator or his designee.

(C) "Traffic Study": shall mean the Traffic Study entitled "Silverleaf Traffic Concurrency Study" prepared by Grimail Crawford, Inc., and dated and certified on September 14, 2009, a copy of which is attached hereto and incorporated by reference as Exhibit "C".

5. **Description of Public Facilities.** The following public facilities and services will serve the Project described in Paragraph 2 above:

(A) Potable Water: The County will provide potable water to the Project Site in sufficient quantity to serve the Project, as and when actually constructed, via transmission lines and related facilities to be constructed by the Applicant, except to the extent otherwise agreed by County in a writing approved by the Board of County Commissioners.

(B) Sanitary Sewer: The County will provide sanitary sewer service to the Project Site in sufficient quantity to serve the Project, as and when actually constructed, via transmission lines and related facilities to be constructed by the Applicant, except to the extent otherwise agreed by County in a writing approved by the Board of County Commissioners.

(C) Solid Waste: The County will provide Solid Waste Management Services to the Project Site to serve the Project, as and when actually constructed, via facilities which are already in place.

(D) Recreation/Open Space: With the Applicant's dedication of acreage and construction of related facilities as set forth in the approved preliminary site plan and the final site plan to be later approved, the Project will meet concurrency requirements for recreation/open space and will not result in degradation of the adopted level of service.

(E) Storm Water Management: With the Applicant's design and construction of the proposed storm water management facilities on the Project Site in compliance with Section 717 of the LDC, or as otherwise approved by Manatee County sufficient to meet County development standards and SWFWMD regulations, the Project will meet concurrency requirements for storm water and will not result in degradation of the adopted level of service.

(F) Transportation: With the Applicant's dedication or conveyance of certain lands, a portion of which constitutes payment of a proportionate share contribution to the

construction of certain improvements to the public facilities in the vicinity of the Project Site as described in Paragraph 6 hereof, the Project will meet concurrency requirements for transportation and will not result in degradation of the adopted level of service.

6. **Concurrency Requirements.**

(A) Dedication of Lands for Public Purposes: In accordance with Section 163.3227(1)(h), Florida Statutes, the County has determined the following public facilities and services to be necessary for the public health, safety, and welfare of its citizens. In furtherance thereof, Applicant agrees to dedicate the following lands within, or in the vicinity of, the Project Site for the future construction of public facilities and services as stated below:

(i) Roads – Harrison Ranch Boulevard Extension: As depicted on the Preliminary Site Plan for the Project, a roadway known as Harrison Ranch Boulevard Extension will be constructed through the Project Site. Applicant shall design and construct that portion of Harrison Ranch Boulevard Extension within the Project Site and shall dedicate land for the public right-of-way of Harrison Ranch Boulevard Extension and the roadway improvements for Harrison Ranch Boulevard Extension to Manatee County by phases as the Project Site is developed. In the event construction of Harrison Ranch Boulevard Extension is required by County to be completed more quickly than the Project's construction is progressing, then within six (6) months after receipt of a written notice from Manatee County, Applicant shall convey and/or dedicate to Manatee County the required right-of-way to construct Harrison Ranch Boulevard Extension through the Project Site. Such Harrison Ranch Boulevard Extension shall have a right-of-way width of a width of one hundred twenty (120) feet through the Project Site to its terminus at Old Tampa Road. The Applicant shall also convey to the County a non-exclusive access, flowage and stormwater retention easement through the stormwater retention facilities for the Project to accommodate the stormwater retention requirements for the build-out of the Harrison Ranch Boulevard Extension as a 4-lane thoroughfare road.

(ii) Roads – Perimeter Rights of Way: The Project is bounded by several perimeter public roadways for which the Applicant shall dedicate and convey required rights of way in the approximate amounts of (a) 8,000 square feet on US 301; (b) 17,238 square feet on Chin Road, and (c) 78,544 square feet on Old Tampa Road; and

(iii) Applicant shall dedicate a non-exclusive access, flowage and stormwater retention easement to the County, and design, permit and construct the stormwater facilities within the project in accordance with applicable County engineering standards, to provide stormwater retention capacity sufficient to accommodate the build-out of the Harrison Ranch Boulevard Extension.

(iv) Turn Lanes – Applicant shall dedicate and convey required right of way for (a) a northbound left turn lane at Harrison Ranch Blvd and US 301 in the approximate amount of 7,969 square feet, and (b) a southbound left turn lane at Harrison Ranch Blvd. and Old Tampa Road in the approximate amount of 6,882 square feet.

(B) Project Entrance Improvements. The Applicant shall design, permit and construct project entrance improvements described on Exhibit "B" attached hereto and incorporated herein.

(C) Prior Contribution of Stormwater Drainage Easement for U.S. 301 Improvements. The County hereby acknowledges that prior to the approval of the Project for development, the Applicant conveyed an access, flowage and stormwater retention easement to the Florida Department of Transportation (FDOT) for purposes of accommodating stormwater drainage for the widening of U.S. 301from two to four lanes along the frontage of the Project Site (the "U.S. 301 Improvements"). Such U.S. 301 Improvements are (1) included within the 5-year Capital Improvements Element of the Comprehensive Plan as a fully funded improvement through a Local Funding Agreement between the County and FDOT, and (2) necessary to provide transportation concurrency for the Project as described in the Traffic Study.

7. **PFSM; Impact Fee Credits.**

(A) PFSM for Concurrency Impacts. Pursuant to and in accordance with Section 163.3180(16), *Florida Statutes,* and Section 511 of the LDC, the Applicant shall satisfy the concurrency requirements for roads through the following proportionate fair share contributions:

(i) U.S. 301 Stormwater Capacity. The prior conveyance of the Stormwater Easement to FDOT to facilitate the construction of the U.S. 301 Improvements,

which, though not eligible for impact fee credits, was essential to the completion of the U.S. 301 Improvements, and resulted in a significant reduced capital cost to the County and FDOT; and

(ii) Waiver of Impact Fee Credits. The waiver of the impact fee credits to be awarded pursuant to Section 7(B) below, in an amount equal to $417,590; and

(iii) Payment for Concurrency Improvements. A payment to the County in the amount of sixty eight thousand one hundred and forty four dollars ($68,144), due prior to issuance of CLOS, for the difference between the Applicant's share of the cost of construction of the concurrency improvements ($485,734) described in Section 6(A), above as reflected in the Traffic Study and the amount of the Waiver of Impact Fee Credits ($417,590) as set out in Section 7(A)(ii) above.

The contributions made pursuant to this Section 7(A) shall fully and completely satisfy the Applicant's responsibility for providing for road concurrency for the Project as required pursuant to Section 163.3180, Florida Statutes, the Comprehensive Plan and the LDC. The Applicant may be required to complete additional improvements for the purpose of providing access to the Project or for safety purposes, as reflected in the Traffic Study.

(B) Award of Impact Fee Credits. The applicant shall be awarded impact fee credits in the amounts set forth below, for the following contributions:

(i) $280,770 for right of way for the Harrison Ranch Boulevard Extension described in Section 6;

(ii) $25,946 for rights of way provided pursuant to Section 6(A)(ii) hereof;

(iii) $19,056 for the access, flowage and stormwater retention easement;

(iv) $62,206 for related engineering, permitting and construction of stormwater retention facilities provided pursuant to Section 6(A)(iii) hereof; and

(v) $29,612 for the required right of way for (a) a northbound left turn lane at Harrison Ranch Blvd and US 301 in the approximate amount of 7,969 square feet, and (b) a southbound left turn lane at Harrison Ranch Blvd. and Old Tampa Road in the approximate amount of 6,882 square feet.

The applicant shall be eligible to receive such impact fee credits, less the amount of impact fee credits waived pursuant to Section 7(A), above, upon acceptance by the County of the above items. Applicant acknowledges and agrees that the impact fee credits awarded pursuant to this Section are the only impact fee credits to be awarded for the transportation rights of way and improvements provided in connection with the Project. Such credits shall be applied to the Applicant's proportionate fair share mitigation through the waiver of such credits by the Applicant pursuant to Section 7(A)ii.

8. **Extended CLOS.** A CLOS for the Project with an expiration date of eight (8) years from the date of issuance of the CLOS shall be issued for the public facilities and services covered by this Development Agreement, including exclusively transportation, recreation/open space, solid waste, and storm water. Said CLOS shall be conditioned upon the Applicant complying with the terms of this Development Agreement. Developer must apply for issuance of the CLOS prior to expiration of the approved preliminary site plan for the Project. A CLOS for public school facilities, potable water and sanitary sewer facilities and services may be issued separately, subject to Applicant satisfying the requirements of the Comprehensive Plan.

9. **Annual Monitoring.** During the term of this Development Agreement the Applicant shall file an annual monitoring report relating to the Project Site with the County's Planning Director consistent with the requirements of Chapter 10 of the LDC. The first such report shall be filed one year from the Effective Date of this Development Agreement as defined herein.

10. **Concurrency Findings.** The Planning Commission, in its capacity as the Local Planning Agency of County, on February 11, 2010, found that the concurrency requirements of the Comprehensive Plan and LDC will be met for the Project regarding the transportation facilities and services described in Paragraph 5, provided the terms and conditions of this Agreement are undertaken and performed by Applicant.

11. **Consistency with Comprehensive Plan.** The Planning Commission, in its capacity as the Local Planning Agency of the County, on February 11, 2010, specifically found that the Project, as detailed in Rezone and Preliminary Site Plan Application No. PDR 05-06 (Z) (P) and this Development Agreement, are consistent with the Comprehensive Plan of Manatee County and the Land Development Regulations of the County provided that the Applicant performs all obligations accruing under the terms of this Development Agreement, including without implied limitation the dedication or conveyance of real property for public purposes pursuant to Paragraph 6 hereof and the payment of its proportionate share of the costs of design and construction of the intersection and roadway segment improvements identified and described in Exhibit "D"..

12. **Permits Required.** The following is a description of all local development permits approved or needed to be approved for the Project Site:

- Zoning application;
- Preliminary Site Plan application;
- One or more Final Site Plan applications;
- One or more Preliminary Plat applications;
- One or more Final Plat applications;
- One or more applications for Special Approval in accordance with the Comprehensive Plan of Manatee County;
- One or more applications for Specific Approval in accordance with the requirements of the LDC;
- One or more Access and Driveway Permits;
- One or more Construction Plan approvals;
- One or more Building Permit applications; and

- One or more Certificates of Occupancy or of Completion.

13. **Omission from Development Agreement.** The failure of this Development Agreement to address a particular permit, condition, term, or restriction shall not relieve the Applicant of the necessity of complying with the law, including without implied limitation the applicable provisions of the County's Comprehensive Plan or Land Development Code, governing said permitting requirements, conditions, terms, or restrictions.

14. **Disclaimer of Joint Venture.** Applicant and County represent that by the execution of this Development Agreement it is not the intent of the parties that this Development Agreement be construed or deemed to represent a joint venture or common undertaking between County and Applicant, or either, with any third party. While engaged in carrying out and complying with the terms of this Development Agreement, Applicant is an independent principal and not a contractor for or an officer or employee of County. Applicant shall not at any time or in any manner represent that it or any of its agents or employees are employees of County.

15. **Successors in Interest.** The burdens of this Development Agreement shall be binding upon, and the benefits shall inure to, all successors in interest to the parties to the Development Agreement including all mortgagees to the parties to this Development Agreement. Notwithstanding anything in this Development Agreement to the contrary, the County shall have no responsibility or liability for any obligations of Applicant under this Development Agreement, and the County does not assume any obligations to or for Applicant.

16. **Amendments:** All amendments to this Development Agreement, including any such amendments extending the term of the Development Agreement, shall be ineffective unless reduced to writing and executed by the County and Applicant, in accordance with Section 1002.9 of the LDC and Sections 163.3237 and 163.3229, Florida Statutes.

17. **Applicable County Ordinances and Codes:** In accordance with Section 163.3233, Florida Statutes, and Section 518 of the LDC, the codes, policies, and ordinances of the County governing the development of the Project upon the date of execution of this Development Agreement shall govern the development of the Project for the duration of this Development Agreement. Prior to the termination of this Development Agreement in

accordance with Paragraph 26 hereof, County may apply codes, policies, and ordinances adopted subsequent to the execution hereof to the Project only if County has held a public hearing and made the determinations required by the above cited Florida Statute and LDC provision.

18. **Recording of this Agreement:** The Clerk of the Circuit Court of Manatee County, as Clerk to the Board of County Commissioners (the "Clerk") shall record this Development Agreement in the Public Records of Manatee County, Florida, no later than fourteen (14) days after the execution of this Agreement by all parties. Applicant shall bear the expense of recording this Agreement. Additionally, the Clerk shall mail a recorded copy of this Agreement to the State of Florida Department of Community Affairs by certified mail, return receipt requested no later than fourteen (14) days after the recordation of this Development Agreement. The County shall record a notice in the Public Records of Manatee County to reflect the date indicated on the return receipt card to establish the date of receipt by the Department of Community Affairs.

19. **Applicable Law and Venue.** This Agreement shall be construed, and the rights and obligations of the parties hereunder shall be determined, in accordance with the laws of the State of Florida. Venue for any litigation pertaining to the subject matter hereof shall be exclusive in Manatee County, Florida, unless prohibited by law.

20. **Severability.** In the event any term or provision of this Agreement shall be held invalid by a Court of competent jurisdiction, such invalid term or provision should not affect the validity of any term or provision hereof; and all such terms and provisions hereof shall be enforceable to the fullest extent permitted by law as if such invalid term or provision had never been part of this Agreement; provided, however, if any term or provision of this Agreement is held to be invalid due to the scope or extent thereof, then, to the extent permitted by law, such term or provision shall be automatically deemed modified in order that it may be enforced to the maximum scope and extent permitted by law.

21. **Entire Agreement.** This Development Agreement constitutes the entire agreement between the parties hereto as to the subject matter contained herein and supersedes any and all prior understandings, if any. There are no other oral or written promises, conditions, representations, understandings, or terms of any kind as conditions or inducements to the

execution hereof, and none have been relied upon by either party. Any subsequent conditions, representations, warranties, or agreements shall not be valid and binding upon the parties unless they are in writing signed by both parties and executed in the same manner as this Development Agreement.

22. **Parties Drafted Equally.** The County and Applicant agree that both parties have played an equal and a reciprocal part in drafting this Agreement. Therefore no provision of this Agreement shall be construed by a Court or judicial authority against any party hereto because such party is deemed to have drafted or structured such provisions.

23. **Notices.** All notices, demands, requests for approvals or other communications given by either party to another shall be in writing and shall be sent by registered or certified mail, postage prepaid, return receipt requested or by a recognized national overnight courier service, or by hand delivery to the office of each party indicated below and addressed as follows:

| | |
|---|---|
| To Applicant: | **PGCI IV, LLC**<br>8210 Lakewood Ranch Blvd.<br>Bradenton, Florida 34202<br>Attn: Patrick K. Neal |
| With a Copy to: | Edward Vogler II, Esq.<br>Vogler Ashton, PLLC<br>2411 – A Manatee Avenue West<br>Bradenton, Florida 34205 |
| To County: | Director, Planning Department<br>Manatee County<br>P.O. Box 1000<br>Bradenton, FL 34206 |
| With Copies to: | County Administrator<br>Manatee County<br>P.O. Box 1000<br>Bradenton, FL 34206<br><br>County Attorney<br>Manatee County<br>P.O. Box 1000<br>Bradenton, FL 34206 |

24. **Survival of Warranties, Representations.** The warranties, representations, covenants and obligations of the parties hereto shall be binding upon the parties and their respective successors in interest.

25. **Effective Date.** This Agreement shall become effective immediately upon the occurrence of all the following:

(A) Adoption and approval of the zoning and preliminary site plan applications by the Board of County Commissioners;

(B) The recordation of a fully executed original of this Agreement in the public records of Manatee County, Florida, as provided in Paragraph 18 hereof;

(C) The expiration of any and all appeal periods for any challenge to the approval of the zoning and preliminary site plan applications or this Agreement; and

(D) Thirty (30) days have expired since a copy of this Agreement has been received by the State Land Planning Agency as required pursuant to Section 163.3239, Florida Statutes, and Section 518 of the LDC and as evidenced by the notice recorded pursuant to Paragraph 18 hereof.

26. **Termination.** This Development Agreement shall automatically terminate and expire upon the occurrence of the first of the following:

(A) The full performance by all parties hereto of each and every one of their respective obligations arising under the terms of this Development Agreement.

(B) The expiration of ten (10) years from the effective date of this Agreement, as defined in Paragraph 25 above.

(C) The revocation of this Development Agreement by the Board in accordance with Section 163.3235, Florida Statutes, and Section 518 of the LDC.

(D) The execution of a written agreement by all parties, or their successors in interest, providing for the cancellation and termination of this Development Agreement.

**WHEREFORE**, the parties hereto have executed this Agreement as of the sate set forth above.

**MANATEE COUNTY, FLORIDA**
By: Board of County Commissioners

By: _____
First Vice-Chairman

Date: June 3, 2010

**ATTEST: R.B. SHORE,**
**Clerk of the Circuit Court**

By: _____
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS SEAL MANATEE CO., FLA.

**PGCI IV, LLC**
a Florida Limited Liability Company

By: _____

Name: James R. Schier

Title: Manager

Date: 6/1/10

WITNESSES:

Sherry S. Doddema
Signature

Sherry S. Doddema
Print Name

Priscilla G. Heim
Signature

PRISCILLA G. HEIM

_____
Print Name

**STATE OF FLORIDA**
**COUNTY OF MANATEE**

The foregoing instrument was acknowledged before me this 1st day of June, 2010, by James R. Schier as Managing Member of **PGCI IV, LLC**, on behalf of the Limited Liability Company. He/she is personally known to me or who has produced _____ as identification and did not take an oath.

Sherry S. Doddema
Notary Public, State of Florida
Print Name: Sherry S. Doddema

(Seal)

SHERRY S. DODDEMA
Commission # DD 932187
Expires May 21, 2012
Bonded Thru Troy Fain Insurance 800-385-7019

DESCRIPTION (prepared by certifying surveyor):

A tract of land lying in Section 1, Township 34 South, Range 18 East, and Section 6, Township 34 South, Range 19 East, Manatee County, Florida and described as follows:

BEGIN at a 4-inch by 4-inch concrete monument found at the south 1/4 corner of said Section 1 and referenced in Florida Department of Environmental Protection Certified Corner Reference document #27800; thence N.00°02'09"E. along the east line of the west 1/2 of said Section 1, also along the east line of the 330-foot-wide Florida Power and Light easement recorded in Official Records Book 497, Pages 282-283 of the Public Records of Manatee County, Florida, a distance of 2,986.67 feet to the southwest corner of the tract of land recorded in Official Records Book 1656, Page 7239 of said Public Records; thence S.89°57'22"E. along the south line of said tract of land recorded in Official Records Book 1656, Page 7239, a distance of 399.98 feet; thence N.00°01'53"E. along the east line of said tract of land recorded in Official Records Book 1656, Page 7239, a distance of 556.32 feet; thence S.50°27'50"E., a distance of 241.80 feet; thence S.77°46'51"E., a distance of 135.54 feet; thence N.90°00'00"E., a distance of 47.05 feet; thence N.60°16'12"E., a distance of 216.79 feet; thence N.29°43'48"W., a distance of 175.00 feet; thence N.60°16'12"E., a distance of 234.61 feet to the beginning of a non-tangent curve to the left, of which the radius point lies N.30°24'09"E., a radial distance of 110.00 feet; thence easterly along the arc of said curve, through a central angle of 60°07'57", an arc length of 115.45 feet to the end of said curve; thence N.60°16'12"E., a distance of 175.40 feet to the point of curvature of a curve to the right having a radius of 85.00 feet and a central angle of 29°43'48"; thence easterly along the arc of said curve, an arc length of 44.11 feet to the end of said curve; thence N.90°00'00"E., a distance of 46.89 feet to the point of curvature of a curve to the right having a radius of 250.00 feet and a central angle of 02°47'04"; thence easterly along the arc of said curve, an arc length of 12.15 feet to the end of said curve; thence S.00°00'00"E., along a line not tangent to the previously described curve, a distance of 230.24 feet; thence S.45°00'00"E., a distance of 94.44 feet; thence S.90°00'00"E., a distance of 227.07 feet; thence N.00°00'00"E., a distance of 314.18 feet to the point of curvature of a curve to the left having a radius of 790.00 feet and a central angle of 29°43'48"; thence northerly along the arc of said curve, an arc length of 409.92 feet to the end of said curve; thence N.29°43'48"W., a distance of 25.00 feet; thence N.74°43'48"W., a distance of 141.42 feet; thence N.29°43'48"W., a distance of 25.00 feet to a point on the southeasterly right-of-way line of U.S. Highway 301, also known as State Road 43 (150-foot-wide public right-of-way as recorded in Florida State Road Department Right-of-Way Map Section No. 1302-(104) 202); thence N.60°16'12"E. along said southeasterly right-of-way line of U.S. Highway 301, a distance of 320.00 feet; thence S.29°43'48"E., a distance of 25.00 feet; thence S.15°16'12"W., a distance of 141.42 feet; thence S.29°43'48"E., a distance of 25.00 feet to the point of curvature of a curve to the right having a radius of 910.00 feet and a central angle of 29°43'48"; thence southeasterly along the arc of said curve, an arc length of 472.18 feet to the end of said curve; thence S.00°00'00"W., a distance of 72.34 feet; thence N.90°00'00"E., a distance of 262.60 feet; thence S.00°08'25"W., a distance of 229.48 feet; thence S.89°51'35"E., a distance of 408.86 feet; thence N.45°08'25"E., a distance of 212.19 feet to the west line of the northwest 1/4 of Section 6; thence N.00°08'25"E., along said west line of the northwest 1/4 of Section 6, also partially along the easterly line of the tract of land described in the Indenture recorded in Official Records Book 2073, Page 5905 of said Public Records, a distance of 1,316.44 feet to a point on the abovementioned southeasterly right-of-way line of U.S. Highway 301, also to the northeasterly corner of said tract of land recorded in Official Records

Book 2073, Page 5905 (the following ten calls are along the northerly line of said tract of land recorded in Official Records Book 2073, Page 5905); (1) thence N.60°16'12"E., along said southeasterly right-of-way line of U.S. Highway 301, a distance of 298.00 feet to the easterly corner of the tract of land described in the Quit Claim Deed recorded in Official Records Book 2199, Pages 2318-2320 of said Public Records (the following nine (a-i) calls are along the southerly line of said tract of land described in the Quit Claim Deed recorded in Official Records Book 2199, Pages 2318-2320); (2)(a) thence S.29°43'48"E., a distance of 325.00 feet; (3)(b) thence N.60°16'12"E., a distance of 77.00 feet; (4)(c) thence S.89°43'48"E., a distance of 132.79 feet; (5)(d) thence S.29°43'48"E., a distance of 80.00 feet; (6)(e) thence N.60°16'12"E., a distance of 20.00 feet; (7)(f) thence S.29°43'48"E., a distance of 50.00 feet to the point of curvature of a curve to the left having a radius of 100.00 feet and a central angle of 90°00'00"; (8)(g) thence easterly along the arc of said curve, an arc length of 157.08 feet to the end of said curve; (9)(h) thence N.60°16'12"E., a distance of 487.42 feet; (10)(i) thence N.89°42'04"E., a distance of 38.73 feet to the northeast corner of said tract of land recorded in Official Records Book 2073, Page 5905, also being a point on the west maintained right-of-way line of Chin Road (variable width public right-of-way) as recorded in Manatee County Road Plat Book 1, Page 105 and in accordance with the Boundary Line Agreement recorded in Official Records Book 1731, Page 1952 of said Public Records (the following two calls are along said west maintained right-of-way line of Chin Road); (1) thence S.00°17'37"E., along the easterly line of said tract of land recorded in Official Records Book 2073, Page 5905, a distance of 973.67 feet to the southeast corner of said tract of land recorded in Official Records Book 2073, Page 5905; (2) thence S.00°03'54"E., a distance of 1,899.42 feet to the intersection of said west maintained right-of-way line of Chin Road and the north right-of-way line of Old Tampa Road (84-foot-wide public right-of-way in this location) as recorded in Official Records Book 1190, Pages 1916-1920, also as recorded in Official Records Book 1947, Pages 5714-5716 both of the abovementioned Public Records; (the following two calls are along said north right-of-way of Old Tampa Road); (1) thence N.89°12'20"W., a distance of 206.60 feet to the point of curvature of a curve to the left having a radius of 442.00 feet and a central angle of 20°13'11"; (2) thence westerly along the arc of said curve, an arc length of 155.98 feet to the end of said curve; thence N.04°44'15"W., along a line not tangent to the previously described curve, a distance of 244.27 feet; thence S.82°56'36"W., a distance of 830.89 feet; thence S.45°07'06"W., a distance of 1,003.20 feet; thence S.06°46'03"E., a distance of 707.18 feet to the northwesterly maintained right-of-way of Old Tampa Road (variable width public right-of-way as recorded in Official Records Book 1947, Pages 5701-5704 of said Public Records); (the following 18 calls are along said northwesterly maintained right-of-way of Old Tampa Road); (1) thence S.49°47'07"W., a distance of 185.49 feet; (2) thence S.48°04'06"W., a distance of 36.86 feet; (3) thence S.49°16'09"W., a distance of 97.02 feet; (4) thence S.49°58'55"W., a distance of 111.82 feet; (5) thence S.50°02'28"W., a distance of 123.71 feet; (6) thence S.57°33'53"W., a distance of 77.56 feet; (7) thence S.58°21'24"W., a distance of 119.05 feet; (8) thence S.57°41'29"W., a distance of 73.83 feet; (9) thence S.56°39'17"W., a distance of 110.53 feet; (10) thence S.58°32'05"W., a distance of 90.70 feet; (11) thence S.62°21'39"W., a distance of 106.25 feet; (12) thence S.60°26'20"W., a distance of 99.45 feet; (13) thence S.65°24'13"W., a distance of 98.62 feet; (14) thence S.66°33'03"W., a distance of 75.14 feet; (15) thence S.73°21'31"W., a distance of 127.68 feet; (16) thence S.78°14'38"W., a distance of 100.56 feet; (17) thence S.80°40'02"W., a distance of 100.90 feet; (18) thence S.85°14'18"W., a distance of 83.46 feet to the south line of the southeast 1/4 of the abovementioned Section 1; thence N.89°24'21"W. along said south line of the southeast 1/4 of Section 1; thence

N.89°24'21"W., along said south line of the southeast 1/4 of Section 1, a distance of 585.80 feet to the POINT OF BEGINNING.

Said tract contains 11,471,526 square feet or 263.3500 acres, more or less.

EXHIBIT B

*US 301 & Harrison Ranch Boulevard (Project Entrance)*

- Eastbound – 1 left-turn lane, 2 through lanes, 1 right-turn lane*
- Westbound – 1 left-turn lane*, 2 through lanes, 1 right-turn lane
- Southbound – 1 left-turn lane, 1 through lane*,1 right-turn lane
- Northbound – 1 left-turn lane*, 1 shared through & right-turn lane*

*Chin Road & Walden Loop (Project Entrance)*

- Eastbound – 1 shared left-turn, through & right-turn lane*
- Westbound – 1 left-turn lane, 1 shared through & right-turn lane
- Southbound – 1 left-turn lane, 1 shared through & right-turn lane
- Northbound – 1 left-turn lane*, 1 shared through & right-turn lane

*Old Tampa Road & River Woods Drive (Project Entrance)*

- Eastbound – 1 left-turn lane*, 1 through lane, 1 right-turn lane
- Westbound – 1 left-turn lane, 1 through lane, 1 right-turn lane*
- Southbound – 1 left-turn lane* 1 shared through & right-turn lane*
- Northbound – 1 left-turn lane, 1 shared through & right-turn lane

# Shenandoah
# Traffic Engineering Study

***Prepared for:***
**Neal Communities, Inc.**

**GC# 10105.005**

***Prepared by:***
**Grimail Crawford, Inc.**

**September 2005**
**Revised March 2006, November 2008 and September 2009**

## PROFESSIONAL ENGINEERING CERTIFICATION

I hereby certify that I am a Professional Engineer, properly registered in the State of Florida for practicing with Grimail Crawford, Inc., a corporation authorize to operate as an engineering business, Certificate of Authority No. 0008370, by the State of Florida Department of Professional Regulation, Board of Professional Engineers. I am qualified to accomplish work in the areas of Traffic, Transportation and Civil Engineering. I have prepared or been in responsible charge of the evaluations, findings, opinions, conclusions or technical advice attached hereto for:

PROJECT: Silverleaf

LOCATION: West of Chin Road between US 301 and Old Tampa Road
Manatee County, Florida

CLIENT: Neal Communities, Inc.

I hereby acknowledge that the procedures and references used to develop the results contained in these analyses, computations and design are standard to the professional practices of Traffic, Transportation and Civil Engineering as applied through professional judgment and experience.

Name: Alejandro Anaya

P.E. No.: 66983

grimail
crawford
inc.

SIGNATURE: _____

DATE: 09/14/2009

# SILVERLEAF
# TRAFFIC CONCURRENCY STUDY

## TABLE OF CONTENTS


I. INTRODUCTION ..... 1

II. METHODOLOGY ..... 3

III. PROJECT TRAFFIC GENERATION ESTIMATES ..... 3

IV. PROJECT DISTRIBUTION AND ASSIGNMENT ..... 4

V. SCHEDULED IMPROVEMENTS ..... 6

VI. TRANSPORTATION STUDY IMPACT AREA ..... 6

VII. EXISTING CONDITIONS ..... 7

VIII. BACKGROUND CONDITIONS ..... 10

IX. FUTURE TOTAL-TRAFFIC CONDITIONS ..... 11

X. INTERNAL NORTH/SOUTH COLLECTOR ..... 18

XI. CONCLUSION ..... 19

## LIST OF FIGURES

FIGURE 1- PROPOSED PROJECT LOCATION ..... 2
FIGURE 2 - PROJECT TRIPS ..... 5
FIGURE 3 – EXISTING TRAFFIC VOLUMES ..... 8
FIGURE 4– FUTURE TOTAL TRAFFIC VOLUMES ..... 12

## LIST OF TABLES

TABLE 1 – GROSS TRIP GENERATION ..... 3
TABLE 2 - INTERSECTION CAPACITY ANALYSIS EXISTING CONDITIONS ..... 9
TABLE 3 – ROADWAY CAPACITY ANALYSIS – EXISTING CONDITIONS ..... 10
TABLE 4 – INT. CAPACITY ANALYSIS – FUTURE TOTAL TRAFFIC CONDITIONS ..... 13
TABLE 5 – IMPROVED INT. CAPACITY ANALYSIS – FUTURE TOTAL-TRAFFIC CONDITIONS ..... 14
TABLE 6 – PROJECT ENTRANCE INTERSECTION CAPACITY ANALYSES ..... 15
TABLE 7 – ROADWAY SEG. CAPACITY ANALYSIS – FUTURE TOTAL TRAFFIC CONDITIONS ..... 17
TABLE 8 – IMPR. ROADWAY SEG. CAPACITY ANALYSIS – FUTURE TOTAL TRAFFIC COND ..... 18
TABLE 9 – ROADWAY SEGMENT CAPACITY ANALYSIS – INTERNAL COLLECTOR ..... 18
TABLE 10 – AVERAGE PM PEAK-HOUR PROJECT TRIPS ON ROADWAY LINKS ..... 21

## LIST OF APPENDICES


| | |
|---|---|
| APPENDIX 1 | SITE PLAN |
| APPENDIX 2 | METHODOLOGY STATEMENT |
| APPENDIX 3 | MODEL OUTPUT PROJECT DISTRIBUTION |
| APPENDIX 4 | STUDY NETWORK IDENTIFICATION |
| APPENDIX 5 | EXISTING TURNING MOVEMENT COUNTS |
| APPENDIX 6 | EXISTING INTERSECTION HCS WORKSHEETS |
| APPENDIX 7 | DETAILED TABULATED TMV WORKSHEET |
| APPENDIX 8 | FUTURE TOTAL HCS WORKSHEETS |
| APPENIDIX 9 | PROJECT ENTRANCE INTERSECTION HCS WORKSHEETS |
| APPENDIX 10 | TURN LANE LENGTH ANALYSIS |

# I. INTRODUCTION

This report documents the findings of a transportation concurrency analysis for the proposed Silverleaf residential development (Project). The Project consists of 713 single-family detached homes. The Project will be located just west of Chin Road between US 301 and Old Tampa Road, in Manatee County. Access to the Project is proposed through three driveways. The first driveway will form the north leg of the Old Tampa Road/River Woods Drive intersection, the second driveway will form the west leg of the Chin Road/Walden Loop intersection and the third driveway will form the south leg of the US 301/Harrison Ranch Boulevard intersection. Harrison Ranch Boulevard will extended to the south forming an internal north/south collector that will cross the Project site and connect the south entrance at the Old Tampa Road/River Woods Drive intersection to the north entrance at the US 301/Harrsion Ranch Boulevard intersection. Based on recent BOCC transmittal of comprehensive plan amendments to DCA, the first one thousand (1,000) feet of this collector (from US 301 to the south) will be considered part of the thoroughfare network. Figure 1 shows the location of the project site as well as the surrounding roadway network. A site plan is provided under ***Appendix 1. Figure 1*** illustrates the general location of the Project site, including the adjacent external roadway system.

The analysis undertaken is in response to Manatee County transportation concurrency requirements. This report summarizes the methodologies, procedures, and findings of the analysis.

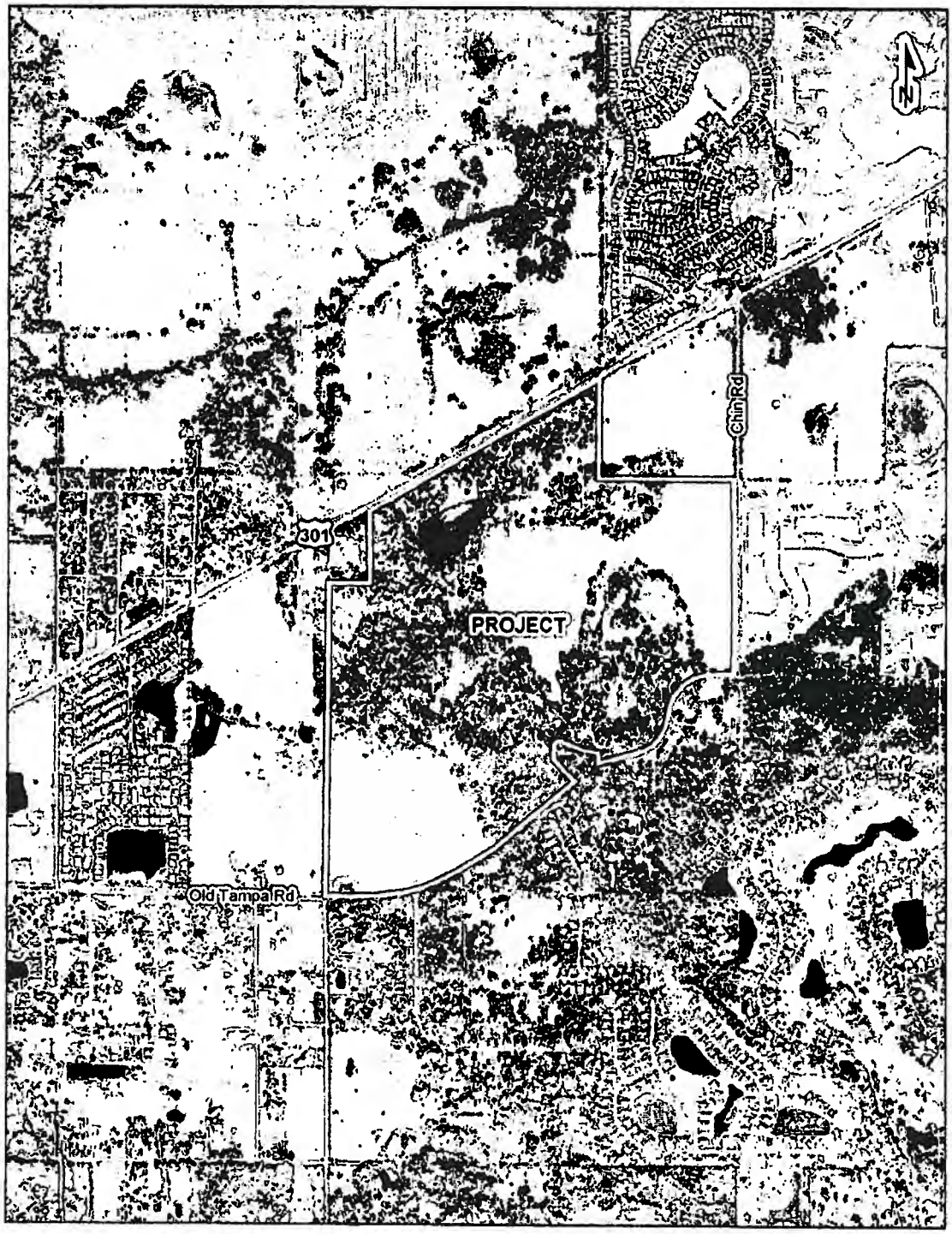



**Figure 1- Proposed Project Location**

## II. METHODOLOGY

The methodology statement presented to Manatee County is included in ***Appendix 2***. This methodology statement encompasses the following study elements:

- Trip Generation
- Transportation Study Impact Area
- Project Traffic Assignment
- Existing Traffic Conditions
- Background Traffic Conditions
- Total Traffic Conditions
- Report Documentation

It is important to note that since the initial submission of this study, Manatee County has revised the standard for determining the transportation study impact area. The new standard is outlined under *Section VI* of this report.

## III. PROJECT TRAFFIC GENERATION ESTIMATES

Traffic volumes generated by the Project were estimated using trip generation documentation reported in ITE Trip Generation 8th Edition, 2008. ***Table 1,*** below, summarizes the trip generation for the Project.

**Table 1 – Gross Trip Generation**

| Land Use | LUC | Size | Units | Daily Trips | Gross AM Peak-Hour Trips | | Gross PM Peak-Hour Trips | |
|---|---|---|---|---|---|---|---|---|
| | | | | | In | Out | In | Out |
| Single-Family Detached Housing | 210 | 713 | DU | 5,569 | 127 | 383 | 388 | 228 |
| | | | Gross Trips | 5,579 | 127 | 383 | 388 | 228 |

Source : ITE, Trip Generation, 8th Ed., 2008

The Project's net external PM peak-hour trip generation will be 388 inbound trips and 228 outbound trips.

## IV. PROJECT DISTRIBUTION AND ASSIGNMENT

Project traffic assignments to the roadway network were estimated based on use of the FSUTMS model and select zone analysis of the Project Traffic Analysis Zones. The roadway network used for modeling purposes was the Year 2010 Existing plus Committed network of the Sarasota-Manatee-Charlotte (SMC) model. The proposed Fort Hamer/Upper Manatee River Road bridge (which is included in the Manatee County 2010-2014 Capital Improvement Program) was added to the network in order to account for the changes in travel patterns that will occur after the bridge is constructed.

The model productions and attractions for the Project traffic analysis zones were adjusted to reflect ITE trip rates within the model application. The FSUTMS assignment of Project traffic (in the form of a percentage) was applied to the external Project trips as calculated using the ITE Trip Generation rates from ***Table 1,*** above. However, the trip distribution in the immediate vicinity of the Project was manually adjusted in order to show more reasonable travel patterns on the sections of Chin Road and Old Tampa Road adjacent to the site. The model output is provided under ***Appendix 3. Figure 2*** illustrates the Project trips.

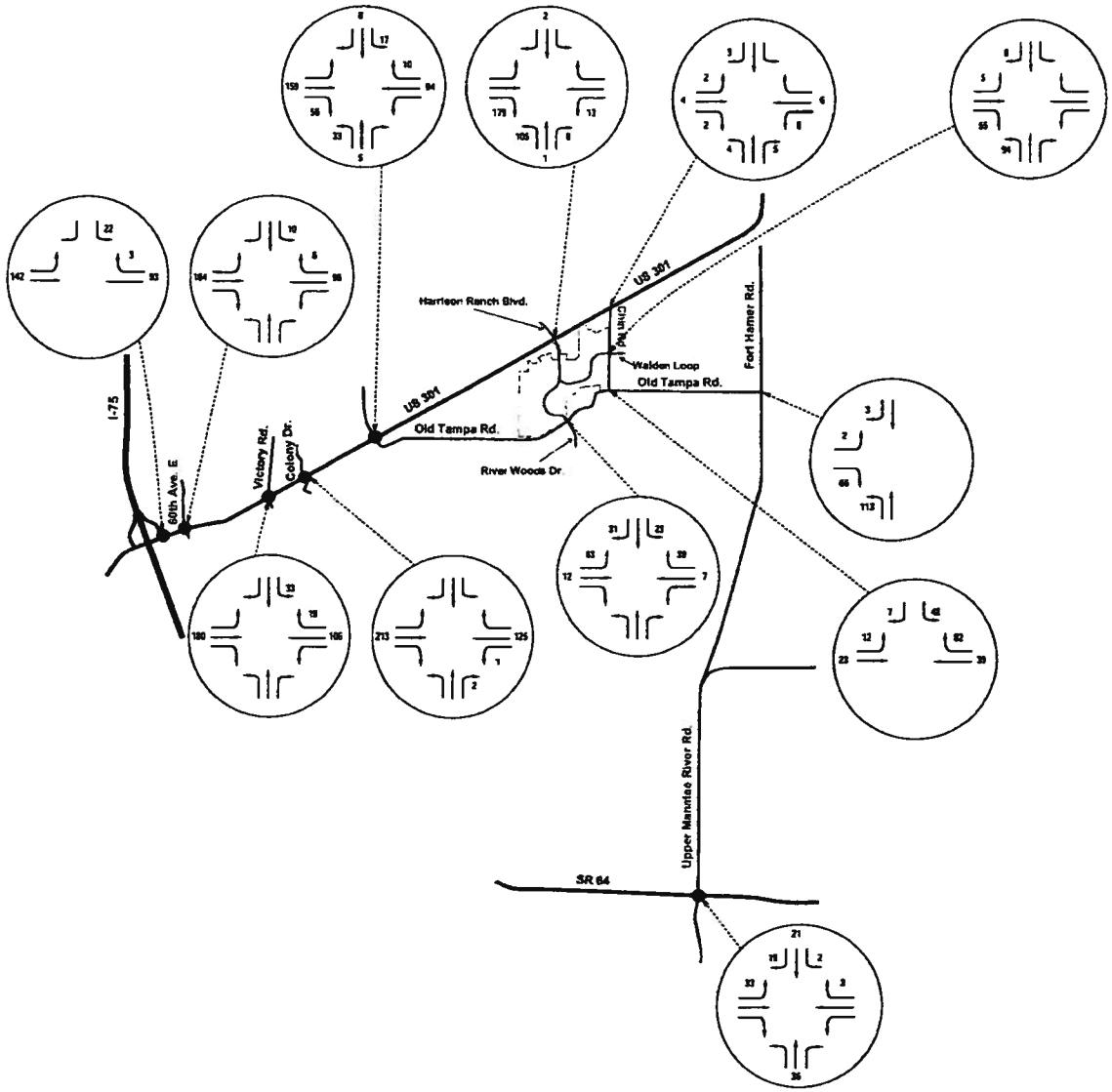



**Figure 2**
**Site Generated Traffic**

**Silverleaf**
**Residential Development**

**10105.005**

**Date**
**9/4/2009**

**Legend**

XXX
XXX
XXX — PM-Peak-Hour Traffic Volumes

● Signalized Intersection

**Notes**

grimail crawford inc.

## V. SCHEDULED IMPROVEMENTS

Based upon a review of the Florida Department of Transportation (FDOT) work program and the Manatee County Capital Improvement Program (CIP), US 301 will be widened from two to four lanes from the End of 4 lanes, just east of Erie Road, to CR 675. Several intersections will be modified as part of this widening project including US 301/Harrison Ranch Boulevard and US 301/Chin Road. Additionally, the ramps at the US 301/I-75 interchange are being improved as well as the US 301/60th Avenue East and SR 64/Upper Manatee River Road intersections. Construction has or is expected to begin in 2009.

The improved lane geometries for the applicable intersections and roadway segments mentioned above were used in the analyses under future conditions.

## VI. TRANSPORTATION STUDY IMPACT AREA

The study area included roadway links where Project trips consumed over five percent (5%) of the two-way PM peak-hour roadway segment standard service volumes. The resulting study area included US 301 from I-75 (East ramps) to Harrison Ranch Boulevard, Old Tampa Road from 0.16 miles south of Erie Road to Fort Hamer Road, Chin Road from US 301 to Old Tampa Road, Fort Hamer Road from Old Tampa Road to Upper Manatee River Road and Upper Manatee River Road from Fort Hamer Road to SR 64. The study network identification table is provided under ***Appendix 4***.

The study area included the following intersections:

- US 301/I-75 (East Ramps)
- US 301/60th Avenue
- US 301/72nd Avenue
- US 301/Colony Drive
- US 301/Erie Road

- US 301/Chin Road*
- Old Tampa Road/Chin Road*
- Old Tampa Road/Fort Hamer Road*
- SR 64/Upper Manatee River Road
- US 301/Harrison Ranch Boulevard (Project Driveway)*
- Old Tampa Road/River Woods Drive (Project Driveway)*
- Chin Road/Walden Loop (Project Driveway)*

*unsignalized intersection

## VII. EXISTING CONDITIONS

Existing traffic conditions for the intersections located within the study area were estimated using PM peak-hour turning movement counts. The raw turning movement counts were seasonally adjusted using the latest FDOT peak-season factor. Copies of the turning movement counts are provided under ***Appendix 5.***

***Figure 3*** illustrates the existing traffic volumes at the intersections located within the study area. Due to driveway locations in between the analyzed intersections and minor fluctuations in travel patterns between typical days, segment volumes may not be equivalent from one intersection to the adjacent intersection. Therefore, the average of the two segment volumes was utilized. Additional field data collected included lane configurations, signal timing, signal phasing, posted speed limits, etc.

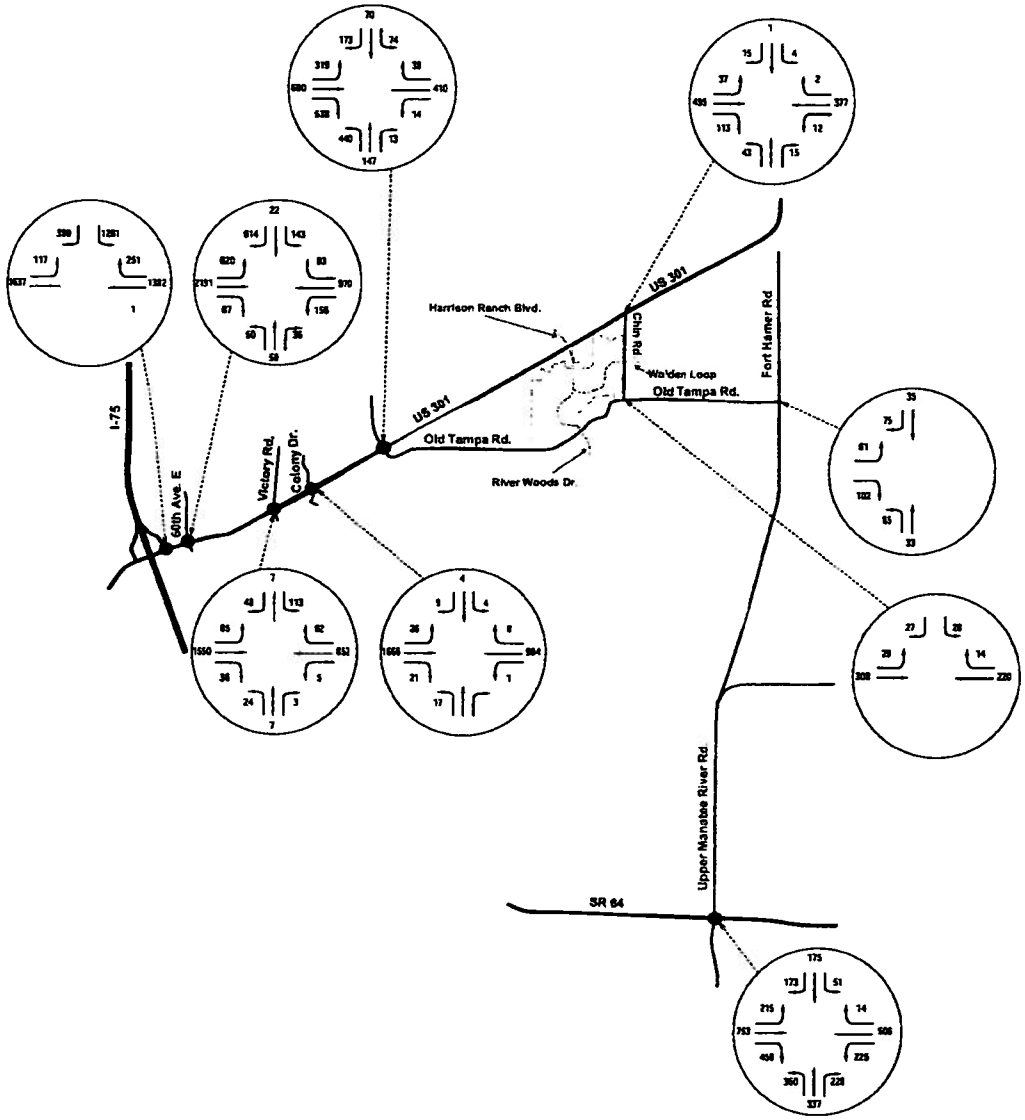



**Figure 3**
**Existing Traffic**

**Silverleaf**
**Residential Development**

**10105.005**

**Date**
**9/10/2009**

**Legend**

XXX
XXX
XXX — PM-Peak-Hour Traffic Volumes

● Signalized Intersection

**Notes**

grimail crawford inc.

PM peak-hour intersection capacity analyses were conducted for all intersections located within the study area under existing conditions. The capacity analyses conducted were based on the 2000 Highway Capacity Manual (HCM) and the supporting Highway Capacity Software (HCS+ v5.3). ***Table 2*** provides the results of the existing intersection capacity analysis. The corresponding HCS worksheets are provided under ***Appendix 6***.

**Table 2 - Intersection Capacity Analysis Existing Conditions**

| Intersection | Intersection Operation | Existing PM Peak-Hour LOS | Max v/c ratio |
|---|---|---|---|
| US 301 & I-75 East Ramps | Signalized | D | 1.01 (SB-L) |
| US 301 & 60th Ave. E. | Signalized | F | 1.25 (EB-TH) |
| US 301 & Victory Rd. (72nd) | Signalized | B | All v/c ratios <= 1.0 |
| US 301 & Colony Dr. | Signalized | A | All v/c ratios <= 1.0 |
| US 301 & Old Tampa/Erie Rd. | Signalized | C | All v/c ratios <= 1.0 |
| US 301 & Chin Rd. | Unsignalized | A/A/C/B (EB-L/WB-L/NB-LTR/SB-LTR) | All v/c ratios <= 1.0 |
| Old Tampa Rd. & Chin Rd. | Unsignalized | A/B (EB-L/SB-LR) | All v/c ratios <= 1.0 |
| Old Tampa Rd. & Fort Hamer Rd. | Unsignalized | A/B/A (NB-L/EB-L/EB-R) | All v/c ratios <= 1.0 |
| SR 64 & Upper Manatee River Rd. | Unsignalized | E | 1.18 (NB-L) |

EB=Eastbound, WB=Westbound, NB=Northbound, SB=Southbound, LT= Shared left & through lane, LR=Shared left & right-turn lane, L=Left-turn lane, R=Right-turn lane, LTR=Shared left, through & right lane

As shown in ***Table 2***, several intersections located within the study area, are currently operating below level-of-service and v/c ratio standards.

PM peak-hour roadway segment capacity analyses were conducted for the roadways located within the study area. The existing segment volumes were determined and compared with the standard service volumes listed in the FDOT

Q/LOS Handbook. ***Table 3*** displays the results of the segment capacity analysis for existing conditions.

**Table 3 – Roadway Capacity Analysis – Existing Conditions**

| Roadway | From | To | Existing PM Peak-Hour Volumes | | Two-Way Existing Volumes | Two-Way PM Peak-Hour Std. Service Volume | Existing LOS |
|---|---|---|---|---|---|---|---|
| | | | NB/EB | SB/WB | | | |
| US 301 | I-75 East | 60th Ave. E. | 2898 | 1634 | 4532 | 4,680 | D |
| | 60th Ave. E. | Victory Rd. | 2021 | 1072 | 3093 | 3390 | C |
| | Victory Rd. | Colony Dr. | 1690 | 970 | 2660 | 3110 | D |
| | Colony Dr. | Erie Rd. | 1609 | 1013 | 2622 | 3390 | B |
| | Old Tampa Rd./Erie Rd. | End of 4 lanes | 711 | 449 | 1160 | 3390 | B |
| | End of 4 lanes | Project Entr. (H. Ranch Rd.) | 711 | 449 | 1160 | 1560 | C |
| Upper Manatee River Rd. | Curve | SR 64 | 566 | 399 | 965 | 1112 | D |
| Chin Rd. | US 301 | Project Entrance | 58 | 126 | 184 | 1390 | C |
| | Project Entrance | Old Tampa Rd. | 51 | 91 | 142 | 1390 | C |
| Old Tampa Rd. | .16 miles S of Erie | Project Entrance | 480 | 423 | 903 | 1390 | D |
| | Project Entrance | Chin Rd. | 337 | 247 | 584 | 1390 | C |
| | Chin Rd. | Ft. Hamer Rd. | 250 | 197 | 447 | 1390 | C |
| Ft. Hamer Rd. | Old Tampa Rd./Erie Rd. | Mulholland Rd. | 118 | 137 | 255 | 1390 | C |
| | Mulholland Rd. | Ft. Hamer Bridge | 118 | 137 | 255 | 1390 | C |
| | Ft. Hamer Bridge | Upper Manatee River Rd. | 118 | 137 | 255 | 1112 | C |

As shown in ***Table 3***, all roadway segments located within the study area are operating above level-of-service standards.

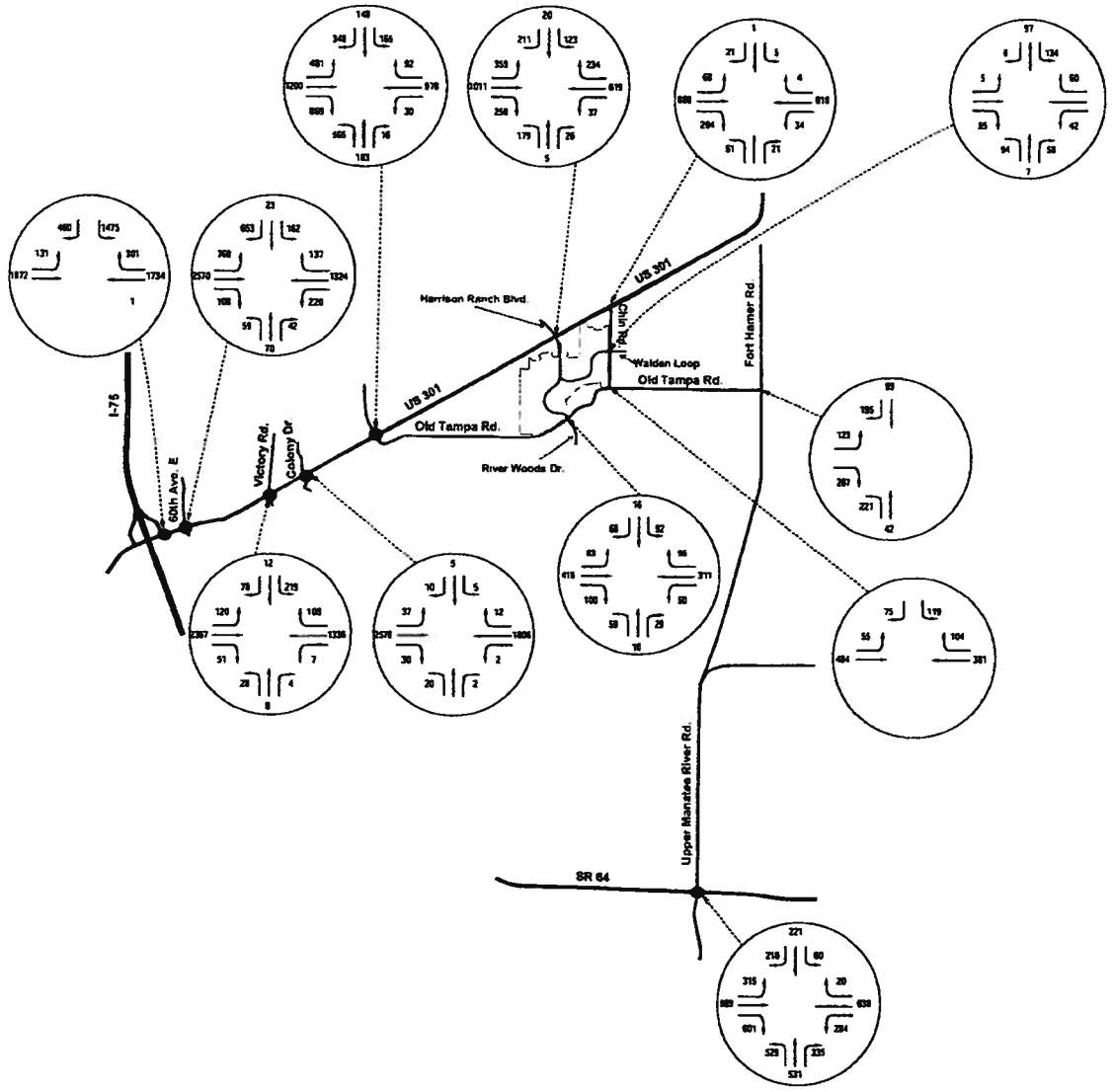
## VIII. BACKGROUND TRAFFIC

Future background traffic was estimated by adding vested trips to the existing traffic volumes. The vested trips used in the analysis are based on approved projects listed before the Silverleaf project in the most recent version of the Manatee Planning Department Concurrency Reservations Report. A 35% reduction factor was applied to these vested trips to account for "double-counting" of commercial trips already included in the trip generations for

residential uses. In order to obtain turning-movement volumes at intersections, the future background traffic (existing plus vested) was distributed in the same pattern as existing traffic. A table listing background volumes by link as well as a detailed table of turning movement volumes including existing volumes, the future background volumes and the Project volumes for each intersection located within the study area are both provided under ***Appendix 7***.

## IX. FUTURE TOTAL-TRAFFIC CONDITIONS

To develop the future total-traffic volumes used in this study, the future background trips (mentioned above) were combined with the distributed Project trips (addressed in *Section IV*). The future total-traffic volume is the sum of the non-Project/background trips and the Project trips. ***Figure 4*** illustrates the future total-traffic volumes. As mentioned earlier, a detailed table of turning movement volumes including existing volumes, the future background volumes and the Project volumes for the intersections included in the study area is provided under ***Appendix 7***.




# Figure 4
## Future Year Total Traffic

**Silverleaf Residential Project**

**10105.005**

**Date**
**9/10/2009**

**Legend**

XXX
XXX
XXX — PM-Peak-Hour Traffic Volumes

● Signalized Intersection

**Notes**

grimail crawford inc.

PM peak-hour intersection capacity analyses were conducted for all off-site intersections located within the study area under future total-traffic conditions. The intersection capacity analyses were based on the 2000 HCM and the supporting Highway Capacity Software (HCS+ v5.3). ***Table 4*** provides the results of the intersection capacity analyses and the corresponding HCS worksheets are provided under ***Appendix 8***.

**Table 4 – Intersection Capacity Analysis – Future Total Traffic Conditions**

| Location | P.M. Peak Hour LOS |
|---|---|
| US 301 @ I-75 East | D |
| US 301 @ 60th Ave. E. | F |
| US 301 @ Victory Rd. | C |
| US 301 @ Colony Dr. | B |
| US 301 @ Old Tampa Rd./Erie Rd. | E |
| US 301 @ Chin Rd. | B |
| Old Tampa Rd. @ Chin Rd. | A/F<br>(EB-LT/SB-LR) |
| Old Tampa Rd @ Fort Hamer Rd. | A/C/B<br>(NB-L/EB-L/EB-R) |
| SR 64 @ Upper Manatee River Rd. | C |

EB=Eastbound, WB=Westbound, NB=Northbound, SB=Southbound, LT= Shared left & through lane, LR=Shared left & right-turn lane, L=Left-turn lane, R=Right-turn lane, LTR=Shared left, through & right lane

As shown in ***Table 4*** the intersections of US 301/60$^{th}$ Avenue East and US 301/Old Tampa Road will not be able to meet level-of-service and/or v/c ratio standards under future total-traffic conditions.

Recommended intersection improvements and the respective improved level-of-service for the intersections included in the study area are provided in ***Table 5***. The corresponding HCS worksheets are provided under ***Appendix 8.***

## Table 5 – Improved Intersection Capacity Analysis – Future Total-Traffic Conditions

| Location | P.M. Peak Hour LOS Without Improvements | Recommended Improvement | Improved LOS |
|---|---|---|---|
| US 301 @ I-75 East | D | N/A | N/A |
| US 301 @ 60th Ave. E. | F | Restripe EB approach to provide 3 TH lanes; add a 1,250-feet EB receiving lane. | D |
| US 301 @ Victory Rd. | C | N/A | N/A |
| US 301 @ Colony Dr. | B | N/A | N/A |
| US 301 @ Old Tampa Rd./Erie Rd. | E | Restripe EB approach to provide a 2nd left-turn lane and extend NB receiving lane to 320 feet per FDOT & MUTCD specifications. | D |
| US 301 @ Chin Rd. | B | N/A | N/A |
| Old Tampa Rd. @ Chin Rd. | A/F (EB-LT/SB-LR) | Signalize if signal warrants are met | C |
| Old Tampa Rd @ Fort Hamer Rd. | A/C/B (NB-L/EB-L/EB-R) | N/A | N/A |
| SR 64 @ Upper Manatee River Rd. | C | N/A | N/A |

EB=Eastbound, WB=Westbound, NB=Northbound, SB=Southbound, LT= Shared left & through lane, LR=Shared left & right-turn lane, L=Left-turn lane, R=Right-turn lane, LTR=Shared left, through & right lane

As shown in ***Table 5***, the intersections of US 301/60th Avenue East and US 301/Old Tampa Road will require lane geometry improvements and the Old Tampa Road/Chin Road intersection will require signalization (if signal warrants are met) to be able to meet level-of-service and v/c ratio standards under future total-traffic conditions. All remaining off-site intersections located within the study area will meet level-of-service and v/c ratio standards under future total-traffic conditions.

Intersection capacity analyses were conducted for the Project Entrances under future total-traffic conditions. The assumed lane geometry, the unsignalized level-of-service results as well as any recommended improvements and improved levels-of-service are shown in ***Table 6***. The corresponding HCS reports are provided under ***Appendix 9***.

## Table 6 – Project Entrance Intersection Capacity Analyses

| Intersection | Assumed Lane Geometry | External Turn-Lanes for Project Access | LOS With Project Traffic (Without Signalization) | Additional Recommended Improvements | Future Improved LOS |
|---|---|---|---|---|---|
| US 301 & Harrison Ranch Blvd./Project DW | EB: 1 left-turn lane, 2 through lanes, 1 right-turn lane<br>WB: 1 left-turn lane, 2 through lanes, 1 right-turn lane<br>NB: 1 left-turn lane, 1 shared through & right-turn lane<br>SB: 1 left-turn lane, 1 through lane, 1 right-turn lane | EB right-turn lane, WB left-turn lane* | C/B/F/F/F/F<br>(EB-L/WB-L/NB-L/NB-TR/SB-L/SB-TR) | Signalize if signal warrants are met | B |
| Old Tampa Rd. & River Woods Dr./Project DW | EB: 1 left-turn lane, 1 through lane, 1 right-turn lane,<br>WB: 1 left-turn lane, 1 through lane, 1 right-turn lane,<br>NB: 1 left-turn lane, 1 shared through & right-turn lane,<br>SB: 1 left-turn lane, 1 shared through & right-turn lane | EB left-turn lane, WB right-turn lane | A/A/F/C/F/B<br>(EB-L/WB-L/NB-L/NB-TR/SB-L/SB-TR) | Signalize if signal warrants are met | B |
| Chin Rd. & Walden Loop/Project DW | EB: 1 shared left-turn, through & right-turn lane,<br>WB: 1 left-turn lane, 1 shared through & right-turn lane,<br>NB: 1 left-turn lane, 1 shared through & right-turn lane,<br>SB: 1 left-turn lane, 1 shared through & right-turn lane | NB left-turn lane | A/A/C/A/A<br>(NB-L/SB-L/WB-L/WB-TR/EB-LTR) | None | N/A |

EB=Eastbound, WB=Westbound, NB=Northbound, SB=Southbound, LT= Shared left & through lane, LR=Shared left & right-turn lane, L=Left-turn lane, R=Right-turn lane, LTR=Shared left, through & right lane

* The WB left-turn lane at the US 301/Harrison Ranch Boulevard intersection will be constructed as part of the US 301 widening project.

As shown in ***Table 6***, the US 301/Harrison Ranch Boulevard and Old Tampa Road/River Woods intersections will require signalization (if signal warrants are met) in order to meet level-of-service and v/c ratio standards under future total-traffic conditions. The Chin Road/Walden Loop Project entrance intersection will meet standards as an unsignalized intersection under future total-traffic conditions. The assumed lane geometries at the Project driveways are listed below. (Turn-lanes marked with an asterisk "*" provide access to/from the Project site.)

*US 301 & Harrison Ranch Boulevard (Project Entrance)*

- Eastbound – 1 left-turn lane, 2 through lanes, 1 right-turn lane*
- Westbound – 1 left-turn lane*, 2 through lanes, 1 right-turn lane
- Southbound – 1 left-turn lane, 1 through lane*,1 right-turn lane
- Northbound – 1 left-turn lane*, 1 shared through & right-turn lane*

*Chin Road & Walden Loop (Project Entrance)*

- Eastbound – 1 shared left-turn, through & right-turn lane*
- Westbound – 1 left-turn lane, 1 shared through & right-turn lane
- Southbound – 1 left-turn lane, 1 shared through & right-turn lane
- Northbound – 1 left-turn lane*, 1 shared through & right-turn lane

*Old Tampa Road & River Woods Drive (Project Entrance)*

- Eastbound – 1 left-turn lane*, 1 through lane, 1 right-turn lane
- Westbound – 1 left-turn lane, 1 through lane, 1 right-turn lane*
- Southbound – 1 left-turn lane* 1 shared through & right-turn lane*
- Northbound – 1 left-turn lane, 1 shared through & right-turn lane

PM peak-hour capacity analyses were conducted for the roadways included in the study area under future total-traffic conditions. The roadway segment volumes were determined and compared against the standard service volumes found in the FDOT Q/LOS Handbook. ***Table 7*** displays the results of the roadway segment capacity analysis.

**Table 7 – Roadway Segment Capacity Analysis – Future Total Traffic Conditions**

| Roadway | From | To | Total PM Peak Hour Volumes | | Total PM Peak-Hour Two-Way Volumes | Peak-Hour Two-Way Service Volume | Future Year Two-Way PM Peak-Hour LOS |
|---|---|---|---|---|---|---|---|
| | | | NB/EB | SB/WB | | | |
| US 301 | I-75 East | 60th Ave. E. | 3,603 | 2,035 | 5,639 | 4,680 | F |
| | 60th Ave. E. | Victory Rd. | 2,894 | 1,546 | 4,440 | 3,390 | E |
| | Victory Rd. | Colony Dr. | 2,632 | 1,513 | 4,145 | 3,110 | F |
| | Colony Dr. | Erie Rd. | 2,626 | 1,645 | 4,271 | 3,390 | E |
| | Old Tampa Rd./Erie Rd. | End of 4 lanes | 1,765 | 1,107 | 2,872 | 3,390 | C |
| | End of 4 lanes | Project Entr. (H. Ranch Rd.) | 1,735 | 1,088 | 2,823 | 3,390 | D |
| Upper Manatee River Rd. | Curve | SR 64 | 734 | 507 | 1,241 | 1,390 | D |
| Chin Rd. | US 301 | Project Entrance | 72 | 147 | 219 | 1,390 | C |
| | Project Entrance | Old Tampa Rd. | 151 | 156 | 307 | 1,390 | C |
| Old Tampa Rd. | .16 miles S of Erie | Project Entrance | 699 | 597 | 1,296 | 1,390 | D |
| | Project Entrance | Chin Rd. | 539 | 416 | 955 | 1,390 | D |
| | Chin Rd. | Ft. Hamer Rd. | 498 | 457 | 955 | 1,390 | D |
| Ft. Hamer Rd. | Old Tampa Rd./Erie Rd. | Mulholland Rd. | 263 | 240 | 503 | 1,390 | C |
| | Mulholland Rd. | Ft. Hamer Bridge | 260 | 239 | 499 | 1,390 | C |
| | Ft. Hamer Bridge | Upper Manatee River Rd. | 260 | 239 | 499 | 1,112 | C |

* Service volume reflects committed improvements listed in Section V.

Roadways that did not meet level-of-service standards based on the FDOT Q/LOS Handbook analysis were further analyzed using either the HCS Arterial analysis tool, taking into account the recommended intersection improvements listed in ***Table 5.*** The results of the HCS analyses are shown in ***Table 8***. The corresponding HCS worksheets are provided under ***Appendix 8***.

**Table 8 – Improved Roadway Segment Capacity Analysis – Future Total Traffic Conditions**

| Roadway | From | To | LOS Based on HCS Analysis | |
|---|---|---|---|---|
| | | | NB/EB | SB/WB |
| US 301 | I-75 East | 60th Ave. E. | C | C |
| | 60th Ave. E. | Victory Rd. | | |
| | Victory Rd. | Colony Dr. | | |
| | Colony Dr. | Erie Rd. | | |

As shown in ***Tables 7 and 8***, with the recommended improvements listed in ***Table 5,*** all roadway segments will operate at or above acceptable level-of-service standards.

## X. INTERNAL NORTH/SOUTH COLLECTOR

Project generated traffic volumes will represent more than 1% of the estimated total future traffic on the Harrison Ranch Boulevard extension (internal north/south collector). As a two-lane urban collector, this proposed extension will have a two-way PM peak-hour service volume of 1,460 vehicles. The expected maximum average two-way volume generated by the Project during the PM peak-hour (on this roadway segment) is 306 vehicles. Therefore, only two lanes are required to accommodate Project traffic, as shown in ***Table 13,*** below.

**Table 9 – Roadway Segment Capacity Analysis – Internal Collector**

| Roadway | Expected Maximum Project PM Peak-Hour Volumes | | Two-Way PM Peak-Hour Std Service Volume |
|---|---|---|---|
| | NB | SB | |
| Internal Collector *(from Harrison Ranch Blvd. to River Woods Dr).* | 114 | 192 | 1,460 |

## XI. CONCLUSION

The traffic analysis conducted evaluated the potential impact that the proposed Silverleaf Residential Project consisting of 713 single-family detached homes would have on the roadways and intersections located within the study area under future traffic conditions. PM peak-hour intersection and roadway segment capacity analyses were conducted for all intersections and roadways located within the approved study network. The analyses performed follow the concurrency analysis procedures required by Manatee County. Based on the analyses conducted for the proposed Project, the following conclusions have been reached:

- The Chin Road/Walden Loop (Project Driveway) intersection will meet level-of-service and v/c ratio standards as an unsignalized intersection. However, the US 301/Harrison Ranch Boulevard (Project Driveway) intersection and the Old Tampa Road/River Woods Drive (Project Driveway) intersection will both need to be signalized, if signal warrants are met by the time of Project buildout, in order to meet level-of-service and/or v/c ratio standards under future total-traffic conditions. The lane geometries required at the Project driveways are listed below. (Turn-lanes marked with an asterisk "*" provide access to/from the Project site.)

  *US 301 & Harrison Ranch Boulevard (Project Entrance)*

  - Eastbound – 1 left-turn lane, 2 through lanes, 1 right-turn lane*
  - Westbound – 1 left-turn lane*, 2 through lanes, 1 right-turn lane
  - Southbound – 1 left-turn lane, 1 through lane*,1 right-turn lane
  - Northbound – 1 left-turn lane*, 1 shared through & right-turn lane*

  *Chin Road & Walden Loop (Project Entrance)*

  - Eastbound – 1 shared left-turn, through & right-turn lane*
  - Westbound – 1 left-turn lane, 1 shared through & right-turn lane
  - Southbound – 1 left-turn lane, 1 shared through & right-turn lane
  - Northbound – 1 left-turn lane*, 1 shared through & right-turn lane

*Old Tampa Road & River Woods Drive (Project Entrance)*

- Eastbound – 1 left-turn lane*, 1 through lane, 1 right-turn lane
- Westbound – 1 left-turn lane, 1 through lane, 1 right-turn lane*
- Southbound – 1 left-turn lane* 1 shared through & right-turn lane*
- Northbound – 1 left-turn lane, 1 shared through & right-turn lane

- Signalization of the Old Tampa Road/Chin Road intersection will be required if signal warrants are met by the time of Project buildout.
- The Developer intends to enter into a Local Developer Agreement with duration of fifteen years to contribute the proportionate share of the intersection improvements listed in ***Tables 5 and 6***.
- The turn-lane length calculations for the intersections located within the study area are provided under ***Appendix 10***. It is important to note that field conditions may preclude construction of turn lanes to the full length that has been calculated.
- The *average* PM peak-hour Project trips on the roadway links within the study area can be found in ***Table 10*** below.

## Table 10 – Average PM Peak-Hour Project Trips on Roadway Links

| Link No. | Roadway | From | To | Average Number of Project Trips | | |
|---|---|---|---|---|---|---|
| | | | | NB/EB | SB/WB | Total |
| 3400 | US 301 | I-75 East | 60th Ave. E. | 162 | 95 | 257 |
| 3405 | | 60th Ave. E. | Victory Rd. | 176 | 104 | 280 |
| 3406 | | Victory Rd. | Colony Dr. | 213 | 125 | 338 |
| 3407 | | Colony Dr. | Erie Rd. | 214 | 126 | 340 |
| 3410 | | Old Tampa Rd./Erie Rd. | End of 4 lanes | 177 | 104 | 281 |
| 3411 | | End of 4 lanes | Project Entr. (H. Ranch Rd.) | 179 | 105 | 284 |
| 3240 | Upper Manatee River Rd. | Curve | SR 64 | 89 | 52 | 141 |
| 4070 | Chin Rd. | US 301 | Project Entrance | 9 | 10 | 19 |
| 4070 | | Project Entrance | Old Tampa Rd. | 94 | 55 | 149 |
| 2831 | Old Tampa Rd. | .16 miles S of Erie | Project Entrance | 65 | 38 | 103 |
| 2831 | | Project Entrance | Chin Rd. | 35 | 46 | 81 |
| 2832 | | Chin Rd. | Ft. Hamer Rd. | 71 | 121 | 192 |
| 2522 | Ft. Hamer Rd. | Old Tampa Rd./Erie Rd. | Mulholland Rd. | 113 | 66 | 179 |
| TBD | | Mulholland Rd. | Ft. Hamer Bridge | 110 | 65 | 175 |
| TBD | | Ft. Hamer Bridge | Upper Manatee River Rd. | 110 | 65 | 175 |

EXHIBIT

# SILVERLEAF
## Required Transportation Improvements

| Intersection/Road Segment | Improvement | Applicant Seeking Impact Fee Credit (Y/N) | Estimated Value of NB Credit | Proportionate Share | Estimated Value of Proportionate Share |
|---|---|---|---|---|---|
| US 301/60th Ave. | Restripe EB approach to provide 3 Through Lanes; Add 1,250 -ft EB receiving Lane | Y | $240,000 | 25.18% | $60,432 |
| US 301/Erie Rd. | Restripe EB approach to provide a 2nd left-turn lane and extend NB receiving lane to 320 per FDOT & MUTCD specs. | Y | $60,000 | 17.78% | $10,668 |
| US 301/Harrison Ranch Blvd. (Project Driveway) | Add 1 exclusive EB right-turn lane including decel. and taper per FDOT & MUCTD specs. | N | N/A | N/A | N/A |
| US 301/Harrison Ranch Blvd. (Project Driveway) | Add 1 exclusive NB left-turn lane including decel. and taper per FDOT & MUCTD specs. | Y | $250,000 | 58.70% | $146,750 |
| Chin Rd./Walden Loop (Project Driveway) | Add 1 exclusive NB left-turn lane including decel. and taper per FDOT & MUCTD specs. | N | N/A | N/A | N/A |
| Old Tampa Rd./River Woods Dr. (Project Driveway) | Add 1 exclusive EB left-turn lane including decel. and taper per FDOT & MUCTD specs. | N | N/A | N/A | N/A |
| Old Tampa Rd./River Woods Dr. (Project Driveway) | Add 1 exclusive SB left-turn lane including decel. and taper per FDOT & MUCTD specs. | Y | $186,000 | 25.00% | $46,500 |
| Old Tampa Rd./River Woods Dr. (Project Driveway) | Add 1 exclusive WB right-turn lane including decel. and taper per FDOT & MUCTD specs. | N | N/A | N/A | N/A |
| | | | | **Subtotal Roadway Improvements Only** | **$264,350** |
| Old Tampa Rd./Chin Rd. | Signalize if signal warrants are met. | Y | $320,000 | 35.64% | $114,048 |
| US 301/Harrison Ranch Blvd. (Project Driveway) | Signalize if signal warrants are met. | Y | $390,000 | 9.99% | $38,961 |
| Old Tampa Rd./River Woods Dr. (Project Driveway) | Signalize if signal warrants are met. | Y | $250,000 | 27.35% | $68,375 |
| | | | | **Subtotal Traffic Signals Only** | **$221,384** |
| | | | | **Total Transportation Improvements (Roadway plus Traffic Signals)** | **$485,734** |

*Cost Estimates based upon FDOT average construction cost data.

**FIRST AMENDMENT TO SILVERLEAF**
**LOCAL DEVELOPMENT AGREEMENT**

This **FIRST AMENDMENT TO SILVERLEAF LOCAL DEVELOPMENT AGREEMENT** ("First Amendment") is made and entered into this ____ day of _____, 2012, by and between **MANATEE COUNTY**, a political subdivision of the State of Florida, whose address is 1112 Manatee Avenue West, Bradenton, Florida 34205, (the "County") and **MML I, LLC,** a Florida Limited Liability Company and **PGCI IV, LLC**, a Florida Limited Liability Company, whose address is 8210 Lakewood Ranch Blvd, Bradenton, Florida 34202, (the "Applicant").

**WITNESSETH:**

**WHEREAS**, County and Applicant are parties to that certain Silverleaf Local Development Agreement, dated June 3, 2010, as recorded in OR Book 2341, Page 5667, of the Public Records of Manatee County, Florida (the "LDA"), which LDA concerns a 264± acre parcel of real property located in Manatee County and generally bounded by Old Tampa Road to the south, Chin Road to the east, US 301 to the north, and an existing FPL Easement to the west (the "Project Site"), the complete legal description for which is attached hereto as Exhibit "A"; and

**WHEREAS**, the Applicant has applied for general development plan approval from Manatee County pursuant to Application No. PDR-11-14 (G), to allow single family detached residential units to be constructed on the Project Site (the "Project"), and

**WHEREAS**, the parties desire to amend the LDA to make certain that it remains consistent with the general development plan approved pursuant to Application No. PDR-11-14 (G), all as more fully set forth herein;

**NOW, THEREFORE**, in consideration of the mutual promises and covenants contained herein, the parties hereby agree as follows:

1. **Recitals True and Correct.** The recitals set forth above are true and correct and are incorporated herein by reference.

2. **Description of Development Uses.** The Project shall be developed to include seven hundred thirty two (732) single family detached residential units.

3. **Change To General Development Plan.** All other references to "preliminary site plan" in the LDA shall be replaced with "general development plan", reflecting the replacement of PDR-05-06 (Z) (P) with PDR-11-14 (G) concurrently with the approval of this First Amendment.

4. **Description of Development Uses.** The first sentence of Paragraph 2 of the LDA is hereby amended in its entirety to read as follows:

"2. **Description of Development Uses.** The Project shall be developed including the following components:

* Seven hundred and thirty two (732) single family detached units."

5. **Department Change.** All references in the LDA to the "Planning Department" of the County shall be replaced with "Building and Development Services Department", reflecting organizational changes to the County.

6. **Extended CLOS.** Paragraph 8 of the LDA is amended in its entirety to read as follows:

A CLOS for the Project with an expiration date of eight (8) years from the date of issuance of the CLOS shall be issued for the public facilities and services covered by this Development Agreement, including exclusively transportation, recreation/open space, solid waste, and storm water. Said CLOS shall be conditioned upon the Applicant complying with the terms of this Development Agreement. Developer must apply for issuance of the CLOS prior to expiration of the approved general development plan for the Project. Provided, in no event however, shall the CLOS extend later than June 10, 2023. A CLOS for public school facilities, potable water and sanitary sewer facilities and services shall be issued separately with the Final Site Plan, subject to Applicant satisfying the requirements of the Comprehensive Plan.

7. **Recording of this First Amendment.** The Clerk of the Circuit Court of Manatee County, as Clerk to the Board of County Commissioners (the "Clerk") shall record this First Amendment in the Public Records of Manatee County, Florida, no later than fourteen (14) days after the execution by all parties. Applicant shall bear the expense of recording this First Amendment.

8. **Conflict**. In the event of any conflict between the terms, provisions and conditions of this First Amendment or the LDA, the terms, provisions and conditions of this First Amendment shall control.

9. **Severability.** In the event any term or provision of this terms, provisions and conditions of this First Amendment shall be held invalid by a Court of competent jurisdiction, such invalid term or provision should not affect the validity of any term or provision hereof; and all such terms and provisions hereof shall be enforceable to the fullest extent permitted by law as if such invalid term or provision had never been part of this terms, provisions and conditions of this First Amendment; provided, however, if any term or provision of this terms, provisions and conditions of this First Amendment is held to be invalid due to the scope or extent thereof, then, to the extent permitted by law, such term or provision shall be automatically deemed modified in order that it may be enforced to the maximum scope and extent permitted by law.

10. **Integration.** This First Amendment incorporates and includes all prior negotiations, correspondence, conversations, agreements and understandings applicable to the matters contained herein, and the parties agree that there are no commitments, agreements or understandings concerning the subject matter of this First Amendment that are not contained herein. Accordingly, it is agreed that no deviation from the terms hereof shall be predicated upon any prior representations or agreements, whether oral or written. It is further agreed that no

modification, amendment or alteration in the terms or conditions contained herein shall be effective unless set forth in a written document executed with the same formality and of equal dignity herewith.

11. **Parties Drafted Equally.** The County and Applicant agree that both parties have played an equal and a reciprocal part in drafting the terms, provisions and conditions of this First Amendment. Therefore no provision of this terms, provisions and conditions of this First Amendment shall be construed by a Court or judicial authority against any party hereto because such party is deemed to have drafted or structured such provisions.

12. **Notices.** All notices, demands, requests for approvals or other communications given by either party to another shall be in writing and shall be sent by registered or certified mail, postage prepaid, return receipt requested or by a recognized national overnight courier service, or by hand delivery to the office of each party indicated below and addressed as follows:

| | |
|---|---|
| To Applicant: | PGCI IV, LLC<br>MML I, LLC<br>8210 Lakewood Ranch Blvd.<br>Bradenton, Florida 34202<br>Attn: Patrick K. Neal |
| With a Copy to: | Edward Vogler II, Esq.<br>Vogler Ashton, PLLC<br>2411 – A Manatee Avenue West<br>Bradenton, Florida 34205 |
| To County: | Director, Planning Department<br>Manatee County<br>P.O. Box 1000<br>Bradenton, FL 34206 |
| With Copies to: | County Administrator<br>Manatee County<br>P.O. Box 1000<br>Bradenton, FL 34206<br><br>County Attorney<br>Manatee County<br>P.O. Box 1000<br>Bradenton, FL 34206 |

13. **Effective Date.** This First Amendment shall become effective immediately upon the occurrence of all the following:

(A) Adoption and approval of the general development plan by the Board of County Commissioners;

(B) The recordation of a fully executed original of this First Amendment in the public records of Manatee County, Florida, as provided in Paragraph 4 hereof;

(C) The expiration of any and all appeal periods for any challenge to the approval of the general development plan or this First Amendment; and

(D) Thirty (30) days have expired since a copy of this First Amendment has been received by the State Land Planning Agency as required pursuant to Section 163.3239, Florida Statutes, and Section 518 of the LDC and as evidenced by the notice recorded pursuant to Paragraph 18 hereof.

14. **Termination.** The LDA and this First Amendment shall automatically terminate and expire upon the occurrence of the first of the following:

(A) The full performance by all parties hereto of each and every one of their respective obligations arising under the terms of the LDA and this First Amendment.

(B) The expiration of twenty (20) years from the effective date of this Agreement, as defined in Paragraph 9 above.

(C) The revocation of the LDA and this First Amendment by the Board in accordance with Section 163.3235, Florida Statutes, and Section 518 of the LDC.

(D) The execution of a written agreement by all parties, or their successors in interest, providing for the cancellation and termination of the LDA and this First Amendment.

15. **No Other Amendment**. All other provisions of the LDA shall be unaffected by this First Amendment, and shall remain in full force and effect.

**WHEREFORE**, the parties hereto have executed this Agreement as of the sate set forth above.

**MANATEE COUNTY, FLORIDA**
By: Board of County Commissioners

**ATTEST: R.B. SHORE,**
**Clerk of the Circuit Court**

By: _____
Chairman

By: _____
Deputy Clerk

Date: _____

**PGCI IV, LLC**
a Florida Limited Liability Company

By: _____

Name: Patrick Neal

Title: Managing member

Date: 1/11/12

WITNESSES:

Priscilla G Heim
Signature

PRISCILLA G. HEIM
Print Name

Sherry S Doddema
Signature

SHERRY S. DODDEMA
Print Name

**STATE OF FLORIDA**
**COUNTY OF MANATEE**

The foregoing instrument was acknowledged before me this 12th day of Jan, 2012, by Patrick K Neal as Managing Member of **PGCI IV, LLC**, on behalf of the Limited Liability Company. He/she is personally known to me or who has produced _____ as identification and did not take an oath.

Priscilla G Heim
Notary Public, State of Florida
Print Name: PRISCILLA G. HEIM

(Seal)

PRISCILLA G HEIM
Notary Public - State of Florida
My Comm. Expires Mar 27, 2013
Commission # DD 851329
Bonded Through National Notary Assn.

**MML I, LLC**
a Florida Limited Liability Company

By: _____

Name: Patrick K Neal

Title: Managing Member

Date: 1/11/2011

WITNESSES:

Priscilla G Heim
Signature

PRISCILLA G. HEIM
Print Name

Sherry S Doddema
Signature

SHERRY S. DODDEMA
Print Name

**STATE OF FLORIDA**
**COUNTY OF MANATEE**

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EXHIBIT A

DESCRIPTION (prepared by certifying surveyor):

A tract of land lying in Section 1, Township 34 South, Range 18 East, and Section 6, Township 34 South, Range 19 East, Manatee County, Florida and described as follows:

BEGIN at a 4-inch by 4-inch concrete monument found at the south 1/4 corner of said Section 1 and referenced in Florida Department of Environmental Protection Certified Corner Reference document #27800; thence N.00°02'09"E. along the east line of the west 1/2 of said Section 1, also along the east line of the 330-foot-wide Florida Power and Light easement recorded in Official Records Book 497, Pages 282-283 of the Public Records of Manatee County, Florida, a distance of 2,986.67 feet to the southwest corner of the tract of land recorded in Official Records Book 1656, Page 7239 of said Public Records; thence S.89°57'22"E. along the south line of said tract of land recorded in Official Records Book 1656, Page 7239, a distance of 399.98 feet; thence N.00°01'53"E. along the east line of said tract of land recorded in Official Records Book 1656, Page 7239, a distance of 556.32 feet; thence S.50°27'50"E., a distance of 241.80 feet; thence S.77°46'51"E., a distance of 135.54 feet; thence N.90°00'00"E., a distance of 47.05 feet; thence N.60°16'12"E., a distance of 216.79 feet; thence N.29°43'48"W., a distance of 175.00 feet; thence N.60°16'12"E., a distance of 234.61 feet to the beginning of a non-tangent curve to the left, of which the radius point lies N.30°24'09"E., a radial distance of 110.00 feet; thence easterly along the arc of said curve, through a central angle of 60°07'57", an arc length of 115.45 feet to the end of said curve; thence N.60°16'12"E., a distance of 175.40 feet to the point of curvature of a curve to the right having a radius of 85.00 feet and a central angle of 29°43'48"; thence easterly along the arc of said curve, an arc length of 44.11 feet to the end of said curve; thence N.90°00'00"E., a distance of 46.89 feet to the point of curvature of a curve to the right having a radius of 250.00 feet and a central angle of 02°47'04"; thence easterly along the arc of said curve, an arc length of 12.15 feet to the end of said curve; thence S.00°00'00"E., along a line not tangent to the previously described curve, a distance of 230.24 feet; thence S.45°00'00"E., a distance of 94.44 feet; thence S.90°00'00"E., a distance of 227.07 feet; thence N.00°00'00"E., a distance of 314.18 feet to the point of curvature of a curve to the left having a radius of 790.00 feet and a central angle of 29°43'48"; thence northerly along the arc of said curve, an arc length of 409.92 feet to the end of said curve; thence N.29°43'48"W., a distance of 25.00 feet; thence N.74°43'48"W., a distance of 141.42 feet; thence N.29°43'48"W., a distance of 25.00 feet to a point on the southeasterly right-of-way line of U.S. Highway 301, also known as State Road 43 (150-foot-wide public right-of-way as recorded in Florida State Road Department Right-of-Way Map Section No. 1302-(104) 202); thence N.60°16'12"E. along said southeasterly right-of-way line of U.S. Highway 301, a distance of 320.00 feet; thence S.29°43'48"E., a distance of 25.00 feet; thence S.15°16'12"W., a distance of 141.42 feet; thence S.29°43'48"E., a distance of 25.00 feet to the point of curvature of a curve to the right having a radius of 910.00 feet and a central angle of 29°43'48"; thence southeasterly along the arc of said curve, an arc length of 472.18 feet to the end of said curve; thence S.00°00'00"W., a distance of 72.34 feet; thence N.90°00'00"E., a distance of 262.60 feet; thence S.00°08'25"W., a distance of 229.48 feet; thence S.89°51'35"E., a distance of 408.86 feet; thence N.45°08'25"E., a distance of 212.19 feet to the west line of the northwest 1/4 of Section 6; thence N.00°08'25"E., along said west line of the northwest 1/4 of Section 6, also partially along the easterly line of the tract of land described in the Indenture recorded in Official Records Book 2073, Page 5905 of said Public Records, a distance of 1,316.44 feet to a point on the abovementioned southeasterly right-of-way line of U.S. Highway 301, also to the northeasterly corner of said tract of land recorded in Official Records

Book 2073, Page 5905 (the following ten calls are along the northerly line of said tract of land recorded in Official Records Book 2073, Page 5905); (1) thence N.60°16'12"E., along said southeasterly right-of-way line of U.S. Highway 301, a distance of 298.00 feet to the easterly corner of the tract of land described in the Quit Claim Deed recorded in Official Records Book 2199, Pages 2318-2320 of said Public Records (the following nine (a-i) calls are along the southerly line of said tract of land described in the Quit Claim Deed recorded in Official Records Book 2199, Pages 2318-2320); (2)(a) thence S.29°43'48"E., a distance of 325.00 feet; (3)(b) thence N.60°16'12"E., a distance of 77.00 feet; (4)(c) thence S.89°43'48"E., a distance of 132.79 feet; (5)(d) thence S.29°43'48"E., a distance of 80.00 feet; (6)(e) thence N.60°16'12"E., a distance of 20.00 feet; (7)(f) thence S.29°43'48"E., a distance of 50.00 feet to the point of curvature of a curve to the left having a radius of 100.00 feet and a central angle of 90°00'00"; (8)(g) thence easterly along the arc of said curve, an arc length of 157.08 feet to the end of said curve; (9)(h) thence N.60°16'12"E., a distance of 487.42 feet; (10)(i) thence N.89°42'04"E., a distance of 38.73 feet to the northeast corner of said tract of land recorded in Official Records Book 2073, Page 5905, also being a point on the west maintained right-of-way line of Chin Road (variable width public right-of-way) as recorded in Manatee County Road Plat Book 1, Page 105 and in accordance with the Boundary Line Agreement recorded in Official Records Book 1731, Page 1952 of said Public Records (the following two calls are along said west maintained right-of-way line of Chin Road); (1) thence S.00°17'37"E., along the easterly line of said tract of land recorded in Official Records Book 2073, Page 5905, a distance of 973.67 feet to the southeast corner of said tract of land recorded in Official Records Book 2073, Page 5905; (2) thence S.00°03'54"E., a distance of 1,899.42 feet to the intersection of said west maintained right-of-way line of Chin Road and the north right-of-way line of Old Tampa Road (84-foot-wide public right-of-way in this location) as recorded in Official Records Book 1190, Pages 1916-1920, also as recorded in Official Records Book 1947, Pages 5714-5716 both of the abovementioned Public Records; (the following two calls are along said north right-of-way of Old Tampa Road); (1) thence N.89°12'20"W., a distance of 206.60 feet to the point of curvature of a curve to the left having a radius of 442.00 feet and a central angle of 20°13'11"; (2) thence westerly along the arc of said curve, an arc length of 155.98 feet to the end of said curve; thence N.04°44'15"W., along a line not tangent to the previously described curve, a distance of 244.27 feet; thence S.82°56'36"W., a distance of 830.89 feet; thence S.45°07'06"W., a distance of 1,003.20 feet; thence S.06°46'03"E., a distance of 707.18 feet to the northwesterly maintained right-of-way of Old Tampa Road (variable width public right-of-way as recorded in Official Records Book 1947, Pages 5701-5704 of said Public Records); (the following 18 calls are along said northwesterly maintained right-of-way of Old Tampa Road); (1) thence S.49°47'07"W., a distance of 185.49 feet; (2) thence S.48°04'06"W., a distance of 36.86 feet; (3) thence S.49°16'09"W., a distance of 97.02 feet; (4) thence S.49°58'55"W., a distance of 111.82 feet; (5) thence S.50°02'28"W., a distance of 123.71 feet; (6) thence S.57°33'53"W., a distance of 77.56 feet; (7) thence S.58°21'24"W., a distance of 119.05 feet; (8) thence S.57°41'29"W., a distance of 73.83 feet; (9) thence S.56°39'17"W., a distance of 110.53 feet; (10) thence S.58°32'05"W., a distance of 90.70 feet; (11) thence S.62°21'39"W., a distance of 106.25 feet; (12) thence S.60°26'20"W., a distance of 99.45 feet; (13) thence S.65°24'13"W., a distance of 98.62 feet; (14) thence S.66°33'03"W., a distance of 75.14 feet; (15) thence S.73°21'31"W., a distance of 127.68 feet; (16) thence S.78°14'38"W., a distance of 100.56 feet; (17) thence S.80°40'02"W., a distance of 100.90 feet; (18) thence S.85°14'18"W., a distance of 83.46 feet to the south line of the southeast 1/4 of the abovementioned Section 1; thence N.89°24'21"W. along said south line of the southeast 1/4 of Section 1; thence

N.89°24'21"W., along said south line of the southeast 1/4 of Section 1, a distance of 585.80 feet to the POINT OF BEGINNING.

Said tract contains 11,471,526 square feet or 263.3500 acres, more or less.

# Copy of Newspaper Advertising

## Bradenton Herald

**NOTICE OF ZONING CHANGES IN UNINCORPORATED MANATEE COUNTY**

OTICE IS HEREBY GIVEN, at the **Planning Commission Manatee County will con-ıct a Public Hearing on ıursday, February 9, 2012 at 00 a.m. at the Manatee ounty Government dministrative Center, 1st oor Chambers, 1112 Manatee venue West, Bradenton, orida** to consider, act upon, ıd forward a recommendation the Board of County ommissioners on the following atters:

**DA-09-03 (R) - FIRST MENDMENT TO LOCAL EVELOPMENT AGREEMENT OR SILVERLEAF EVELOPMENT**

equest: Approval of a an mendment to a Local evelopment Agreement pro-ding for the issuance of a cer-icate of level of service com-iance which will not extend eyond June 10, 2023; provid-g for dedication of right-of-ay and the payment of a pro-ortionate share of the cost to itigate impacts on public ıcilities; providing for design, ermitting and construction of oject entrance improvements cluding turn lanes; providing r severability, and providing r an effective date. The ocal Development Agreement oplies to Silverleaf for which oproval is sought pursuant to ending application known as DR-11-14(G) (263.35 ± acres). ıe proposed use of the prop-ties is residential develop-ıent. Pursuant to the pending oning request, Silverleaf is eking approval for 732 single ımily detached residential nits, each with a maximum eight of 35 feet.

**DMU-11-13(G) – MEDALLION OME AT FT. HAMER, LC/WAYNE UNDERHILL / ROSSCREEK**

TS#20110204)

n Ordinance of the Board of ounty Commissioners of ıanatee County, Florida, ıgarding land development, pproving a General evelopment Plan for 1,282 ısidential units (702 single-ımily detached (197 platted), '4 single-family attached, 156 ngle-family semi-detached, ıd 250 multi-family units) on oproximately 656± acres on ıe east side of Ft. Hamer oad, south side of Golf ourse Road, and north of ulholland Road; subject to ipulations as conditions of oproval; setting forth findings; oviding a legal description; oviding for severability, and oviding an effective date.

**PDC-11-15(Z)(P) – R & R PROPERTIES, LLC / MYAKKA DOLLAR GENERAL**

An Ordinance of the Board of County Commissioners of Manatee County, Florida, regarding land development, amending the official zoning atlas (Ordinance No. 90-01, the Manatee County Land Development Code) relating to zoning within the unincorporated area; providing for the rezoning of approximately 1.2 acres on the south side of S.R.70 East, approximately ¼ mile west of Wauchula Road, at 36750 S.R.70 East Myakka; from the VIL (Village) and A-1 (Suburban Agriculture) zoning districts to PDC (Planned Development Commercial) zoning district; approving a Preliminary Site Plan for a 9,002 square foot Commercial Retail Establishment; subject to stipulations as conditions of approval; setting forth findings; providing for severability; providing a legal description, and providing an effective date.

**PDR-12-01(P) - B&H CATTLE COMPANY/CHARTER SCHOOL, USA**

An Ordinance of the Board of County Commissioners of Manatee County, Florida, regarding land development, approving a Preliminary Site Plan for a 76,438 square foot Elementary and Middle Charter School with associated low intensity recreational uses on the east side of U.S. 301 and west side of 30th Street East, approximately 1,809 feet south of 38th Avenue East, and 393 feet south of the proposed 44th Avenue East, at 4550 30th Street East, Bradenton; subject to stipulations as conditions of approval; setting forth findings; providing for severability; providing a legal description, and providing an effective date.

All interested parties are invited to appear at this public hearing and be heard, subject to proper rules of conduct. Additionally, any written comments filed with the Director of the Building and Development Services Department will be heard and considered by the Planning Commission and entered into the record.

It is important that all parties present their concerns to the Planning Commission in as much detail as possible. The issues identified at the Planning Commission hearing will be the primary basis for the final decision by the Board of County Commissioners. Interested par ties may examine the Official Zoning Atlas, the applications related documents, and may obtain assistance regarding these matters from the Manatee County Building and Development Services Department, 1112 Manatee Avenue West, 2nd Floor, Bradenton, Florida, telephone number (941) 748-4501x6878; e-mail to: planning.agenda@mymanatee.o rg

According to Section 286.0105, Florida Statutes, if a person decides to appeal any decision made with respect to any matters considered at such meetings or hearings, he or she will need a record of the proceedings, and for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record would include any testimony or evidence upon which the appeal is to be based.

**Americans With Disabilities:** The Board of County Commissioners of Manatee County does not discriminate upon the basis of any individual's disability status. This non-discrimination policy involves every aspect of the Board's functions including one's access to and participation in public hearings. Anyone requiring reasonable accommodation for this meeting as provided for in the ADA, should contact Kaycee Ellis at 742-5800; TDD ONLY 742-5802 and wait 60 seconds, or FAX 745-3790.

THIS HEARING MAY BE CONTINUED FROM TIME TO TIME PENDING ADJOURNMENTS.
MANATEE COUNTY PLANNING COMMISSION
Manatee County Building and Development Services Department
Manatee County, Florida
**01/25/2012**

## Sarasota Herald Tribune

**NOTICE OF ZONING CHANGES IN UNINCORPORATED MANATEE COUNTY**

NOTICE IS HEREBY GIVEN, that the Planning Commission of Manatee County will conduct a Public Hearing on Thursday, February 9, 2012 at 9:00 a.m. at the Manatee County Government Administrative Center, 1st Floor Chambers, 1112 Manatee Avenue West, Bradenton, Florida to consider, act upon, and forward a recommendation to the Board of County Commissioners on the following matters:

LDA-09-03 (R) - FIRST AMENDMENT TO LOCAL DEVELOPMENT AGREEMENT FOR SILVERLEAF DEVELOPMENT
Request: Approval of a an Amendment to a Local Development Agreement providing for the issuance of a certificate of level of service compliance which will not extend beyond June 10, 2023; providing for dedication of right-of-way and the payment of a proportionate share of the cost to mitigate impacts on public facilities; providing for design, permitting and construction of project entrance improvements including turn lanes; providing for severability, and providing for an effective date. The Local Development Agreement applies to Silverleaf for which approval is sought pursuant to pending application known as PDR-11-14(G) (263.35 ± acres). The proposed use of the properties is residential development. Pursuant to the pending zoning request, Silverleaf is seeking approval for 732 single family detached residential units, each with a maximum height of 35 feet.

PDMU-11-13(G) – MEDALLION HOME AT FT. HAMER, LLC/WAYNE UNDERHILL/CROSSCREEK (DTS#20110204)
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MANATEE COUNTY PLANNING COMMISSION
Manatee County Building and Development Services Department
Manatee County, Florida

Date Pub: January 25, 2012