

MEMORANDUM



**Building & Development
Services Department
Administration**
1112 Manatee Avenue West
Bradenton, Florida 34205

MANATEE COUNTY
FLORIDA

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To: Lisa Barrett, Planning Manager
From: Kathy Manning, Sr. Planning Technician
Date: April 11, 2012
Subject: Agenda Update for April 12, 2012 Planning Commission

- #1 PDMU-11-12 (G) – HC Properties, LLC/Shops at Harrison Ranch**
Narrative provided by applicant regarding Wetland impacts
Applicant's request for additional time – See attached
- #2 PDR-11-09(Z)(P) – Rye Road LLC/Rye Road Subdivision**
Revised Motion and Stipulations
Corrections to various paragraphs of staff report as shown – See attached

/km

cc: Planning Commissioners – 7
John Osborne, Planning and Zoning Official
Sara Schenk, Assistant County Attorney
Susan Angersoll, Development Review Specialist
Sharon Tarman, Planner
Stephanie Moreland, Planner
Katie LaBarr, Principal Planner
Doug Means, Planning Manager
Board Records
Counter Copy

Update Memo for P.C. April 12, 2012

PDMU-11-12(G)
HC Properties, LLC/Shops at Harrison Ranch
DTS#20110203

1. Narrative provided by applicant

This narrative supports the Wetland Impact Report provided by Eco Consultant Incorporated regarding the impact to the 3.28 acre wetland. It also provides the history of Harrison Ranch and the commercial node.

Staff supports this request.

2. Applicant's request for additional time

See attachment

February 23, 2012

**SHOPS AT HARRISON RANCH
Application Number 20110203
PDMU-11-12(G)**

NARRATIVE

BACKGROUND

The site was rezoned from the traditional "A" zoning category to "PD-MU" in 2001. At the time of the rezoning, the southern portion of the site along US 301 was rezoned without a General Development Plan. During the public hearing there was discussion concerning the designation of a commercial node at the intersection of Harrison Ranch Boulevard and US 301. At that time, the Commission delayed the designation of Harrison Ranch Boulevard as an arterial road until the roadway was constructed from US 301 to Erie Road. Once the roadway was completed, the County designated the arterial status through a Comprehensive Plan Amendment in 2009 and a commercial node was created.

NODES

The concept of commercial nodes has been a well established concept in the County's Comprehensive Plan since 1989. The concept was established for two reasons: 1) to control the spread of strip commercial development along arterial streets throughout the County; and 2) to allow (encourage) commercial uses in appropriate locations adjacent to the intersection of functionally classified roadways in the County. This concept has been one of the continuing land use concepts for the past 23 years.

Because the locations and size of these commercial nodes are limited, it is important that these nodes are allowed to develop to their full potential in order to provide residents with goods and services they desire.

Examining the US 301 corridor, east of I-75, reveals commercial nodes at:

60th Avenue East
Erie Road
Harrison Ranch Boulevard
Chin Road
Village of Parrish
Moccasin Wallow Road

These nodes are remarkably well spaced to provide commercial land uses at appropriate locations within the US 301 corridor (see graphic attached).

SHOPS AT HARRISON RANCH

The application under consideration is to approve a General Development Plan to allow commercial development on the east and west sides of Harrison Ranch Boulevard at the intersection with US 301. One of the interesting aspects of the commercial nodes in north Manatee County, especially along US 301, is that they are spaced well to provide commercial facilities as the population within this portion of the County continues to grow.

The Site Plan, as currently proposed, includes 150,000 square feet of Commercial/Professional land uses including five out-parcels designed for a variety of uses, potentially two sit-down restaurants.

We believe that, as the County embraces the concept of sustainable communities through transportation oriented design, providing adequate commercial facilities at appropriate locations is one of the key elements for the future development of the County.

Please note that the project as proposed is fully compliant with the North County Overlay requirements. Furthermore, the plan is compatible and consistent with the Comprehensive Plan and Land Development Code, with the possible exception of Policy 3.3.1.1 which we believe we comply with through the "over-riding public interest" provision.

At issue is a 3.28 acre degraded herbaceous wetland located adjacent to the intersection of US 301 and Harrison Ranch Boulevard. The location of the wetland conflicts with two proposed out-parcels and affects a significant number of parking spaces, which has the effect of reducing the number of square feet of commercial uses available. Based upon the scientific research, which has been provided by Eco Consultants, Inc. (see attached report), it has been determined that this wetland was adversely impacted by the construction of historic US 301 and historic agricultural activities including severe ditching. The wetland has been further degraded due to more recent adverse impacts resulting from surrounding developmental land uses and the recent US 301 improvements. The hydroperiod as well as the natural topography of the wetland has been significantly altered, resulting in the on-going invasion of nuisance and exotic wetland vegetation, as well as indications of transition to a more upland state. As such, this wetland has undergone decades of adverse impacts and continues to degrade. Additionally, local experience indicates that herbaceous wetlands located along major arterial wetlands are hazardous to indigenous wildlife and quickly deteriorate because of the alteration of the historic hydrologic periods. Examples of other wetlands which have undergone similar degradation have been provided to County staff. Documentation has been provided to County staff indicating the current UMAM score of 0.5 attributed to this wetland will soon degrade to a UMAM score of 0.37.

As a superior design alternative, our client is proposing the utilization of an off-site mitigation area (located within the same drainage basin as the existing wetland) to mitigate the proposed removal of this 3.28 acre degrading wetland system. The off-site mitigation area consists of a 98 acre mixture of enhanced native wetland and upland habitats; all of which provide, within

Manatee County, a functional native habitat corridor system with a much higher probability of utilization by fish and wildlife, including listed species. These habitats comprising the off-site mitigation area could otherwise be removed by agricultural activities. The off-site mitigation area has been approved and regulated by SWFWMD and will be subject to a perpetual conservation easement in order to insure the long term viability of the wetland. The mitigation ratios proposed by the applicant adhere to the Manatee County Comprehensive Plan ratio requirements of 5:1 for preservation as mitigation based upon "function" calculations. We believe this is a long term win, win for Manatee County.

SUMMARY

If the wetland is not impacted, two prime out-parcels will not be developed and the development potential of the west parcel will be significantly reduced. Assuming both out-parcels would be restaurants, there could be 30 long term jobs lost to the local economy. If the number of in-line stores is also reduced due to the loss of required parking, an additional 20 long term jobs will not be added to the local economy. Neither of these statistics account for the loss of the short term construction jobs which the County would benefit from in the near future.

If the wetland is allowed to be impacted, the existing isolated wetland will be mitigated at a ratio of 5:1 and become part of a larger integrated wetland/upland wildlife corridor system within the same Manatee County drainage basin and will be protected by a conservation easement to insure that it will continue to function as a viable native habitat wildlife corridor system.

We believe that the "over-riding public interest" in Comprehensive Plan Policy 3.3.1.1 applies in this case.

Attachments

NODE SUMMARY - 301 CORRIDOR



201 56 AVE DR EAST BRADENTON, FL 34208
PO BOX 9448 BRADENTON, FL 34206
TELEPHONE 941.748.8080 FAX 941.748.3316

SHOPS AT HARRISON RANCH

SECTION 1 & 36, TOWNSHIP 33 & 34 SOUTH, RANGE 18 EAST

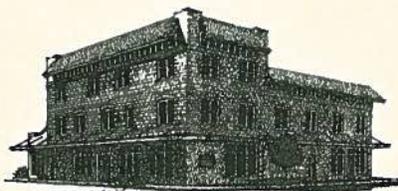
SCALE: 1"=5000'
SOURCE: MANATEE COUNTY



THIS MAP IS PROVIDED FOR GRAPHICAL REPRESENTATION AND GENERAL REFERENCE ONLY. THE DATA CONTAINED HEREIN IS SUBJECT TO CHANGE AND IS NOT WARRANTED.

HARRISON, KIRKLAND, PRATT & MCGUIRE, P.A.

A FULL SERVICE LAW FIRM SINCE 1937



George H. Harrison
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PLANNING

APR - 4 2012

DEPARTMENT

April 4, 2012

Mr. John R. Barnott
Department Director
Manatee County Building & Development Services
1112 Manatee Avenue West
Bradenton, Florida 34205

Re: H.C. PROPERTIES
SHOPS AT HARRISON RANCH; PDMU-11-12(G)
RLS-11-454; COA File No.: 9100-077
April 12, 2012 Planning Commission Public Hearing; and
May 3, 2012 Board of County Commissioners Public Hearing

Dear Mr. Barnott:

Pursuant to Resolution R-10-195 of the Board of County Commissioners, Section 5.5.5.6, please consider this as a request of H.C. Properties for a time period of 30 minutes in which to conduct its presentation at the April 12, 2012 Planning Commission Public Hearing as well as the May 3, 2012 Board of County Commissioners Public Hearing regarding the above referenced matter.

Respectfully submitted,

**HARRISON, KIRKLAND,
PRATT & MCGUIRE, P.A.**


Hugh E. McGuire, Jr.

HEM/mbr

cc: William E. Clague, Esq.

Update Memo

Date: 4/12/2012 – Planning Commission

Case Name: Rye Road LLC/Rye Road Subdivision –dts#20110179, Buzzsaw #69

Case Number: PDR-11-09(Z)(P)

Planner: Lisa Barrett/Stephanie Moreland

A. Revised Recommended Motion to include and delete stipulations:

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-11-09(Z)(P), APPROVAL of the Preliminary Site Plan with Stipulations A.1-A.3, B.1-B.3, C.1, D.1, E.1-E.11 and F.1; GRANTING Special Approval for a project 1) exceeding a gross density of one dwelling unit in the UF-3 Future Land Use Category; ADOPTION of the Findings for Specific Approval; and GRANTING Specific Approval for alternative(s) to Sections 722.1.4.3, 907.9.4.2, 740.2.6.18, 702.6.7, 702.9.1.B, and 714.8.7 of the Land Development Code, and Denial of the Specific Approval request for an alternative to LDC Section 712.2.8, as recommended by Staff.

B. Revise, add stipulations and correct various paragraphs of staff report as shown below (strike thru and underline format):

STAFF RECOMMENDED STIPULATIONS

A. DESIGN AND LAND USE CONDITIONS:

1. Any gates or emergency access points within the project shall be accessible to emergency providers by either a remote control or siren activated system in accordance with Manatee County Ordinance 04-30. Prior to Final Site Plan approval, the applicant shall receive written approval from EMS and the Fire Marshal approving the proposed system.
2. All lots shall provide a 23-foot front yard setback from the garage to the property line adjacent to a street, creating a 25-foot separation between the garage of a residence and edge of the sidewalk or curb. For corner lots, ~~a 20-foot setback shall be provided~~

from the structure (non-garage) to the property line adjacent to the other street an overall setback, including common areas, shall be a minimum of 15 feet to the edge of the right-of-way for non-garage structures.

3. At time of Final Site Plan, the design shall be reconfigured to show a maximum of 100 lots or two means of access to address LDC requirements. This requirement may be eliminated if two lots are eliminated for upland preservation as recommended by the Environmental Division of the Building and Development Services Department.

B. TRANSPORTATION CONDITIONS:

1. A northbound right-turn lane and southbound left-turn lane along Rye Road into the Rye Road Subdivision shall be included on the Construction Plans and shall be designed in accordance with County standards. The Manatee County Traffic Engineering Division will determine turn lane lengths (or if necessary re-examine the need for turn lanes) based on the data provided in the approved Traffic Impact Study.
2. To allow for future widening of Rye Road, dedication of right-of-way is required at Final Plat or FSP approval, as appropriate, to provide Manatee County with a 42' half section from the existing centerline on Rye Road. Impact fee credits shall be available to the property owner in accordance with the requirements of Chapter 8 of the LDC.
3. After dedication of right-of-way takes place, the applicant can apply for impact fee credits in accordance with the requirements of the Land Development Code.

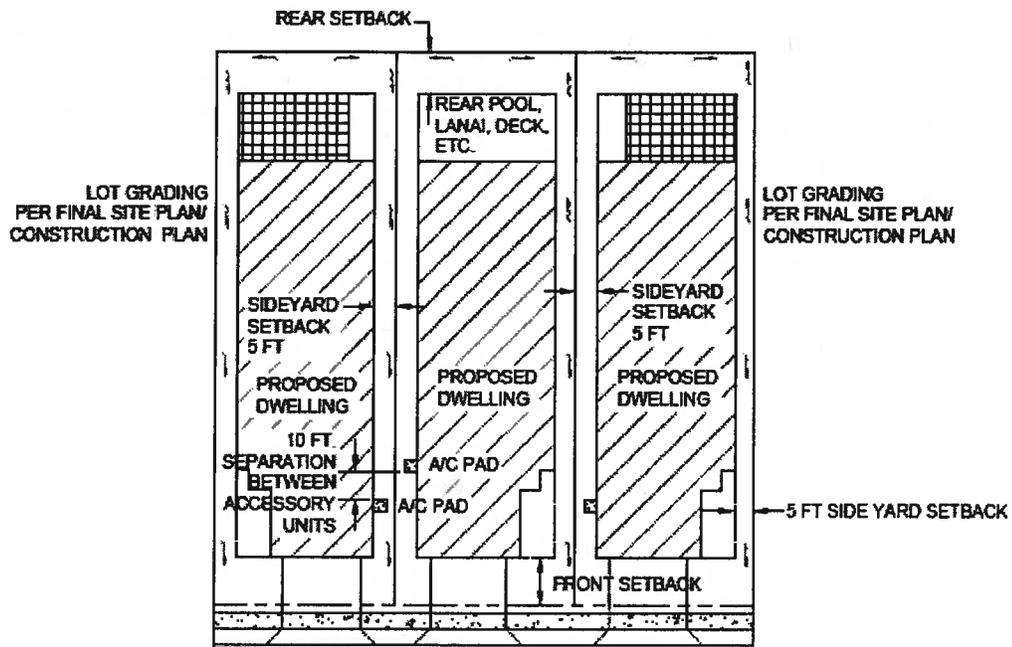
C. INFRASTRUCTURE CONDITIONS:

1. At time of construction plan review, additional efforts shall be required to maintain water quality within the proposed potable water mains throughout this development. Remedies may include but are not limited to inter-neighborhood ties and/or the use of metered automatic blow off valves.

D. STORMWATER CONDITIONS:

1. ~~There shall be a full 25-year attenuation on all stormwater ponds within the development.~~
2. ~~The Drainage Model and Construction Plan shall demonstrate that no adverse impacts will be created to neighboring residents surrounding the site in respect to drainage routing, grading, and runoff.~~
3. ~~Existing storage volume in existing wetlands and drainage ditches shall be compensated with equal or greater volume in the proposed stormwater retention pond.~~

4. Routing and modeling of the existing conditions shall be provided with the Drainage Model and Construction Plan for all natural drainage systems within and surrounding this project taking into consideration all wetland storage and ground depressions.
5. 1. There shall be a minimum of ten-foot measured between the closest corners, ten (10) foot separation between accessory equipment (e.g. air conditioner units, heat pumps, pumps, etc.) and structures alongside adjoining houses with a side yard setback of 7.5 feet or less.



NOTE: A/C PAD INCLUDE POOL PUMP, IRRIGATION PUMP, OR ANY OTHER ACCESSORY STRUCTURE LOCATED ALONG SIDE OF DWELLING.

E. ENVIRONMENTAL CONDITIONS:

1. All lot owners shall be encouraged to participate in the Florida Yards and Neighborhoods Program. Information shall be provided in the sales office and provided to all lot purchasers.
2. The area on the Preliminary Site Plan encompassing proposed Lots 45 and 46 and the east half of Lot 44 and the area encompassing Lots 53-55 shall be provided as "native upland habitat" preservation, with the final configuration of this preservation area to be determined and adjusted with the Final Site Plan.
3. 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.
4. No lots shall be platted through post-development wetlands, wetland buffers, and native upland habitat preservation areas. Conservation Easements for native upland habitat preservation areas shall be dedicated to the County prior to or concurrent with Final Plat approval.
5. The project shall be designed so that no temporary wetland buffer impacts, other than those allowed by Section 719.11.1.2 of the LDC, are required in areas that contain native desirable vegetation. This shall be reviewed and approved by the Environmental Planning Division with Final Site Plan.
6. All proposed mulch nature trails, board walks and shade structures located in wetland buffers and areas where native vegetation is to remain shall be designed in a manner that minimizes impacts to trees or areas of significant vegetation and in accordance with Section 719 of the LDC if applicable.
7. Existing native vegetation located within any required landscape buffer shall be preserved to the greatest extent possible. There shall be no new overhead or underground power lines, swales, or stormwater facilities within any proposed landscape buffer containing desirable native vegetation with the exception of limited crossings.
8. 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.

9. A Construction Water Quality Monitoring Program and proposed sampling locations are required to be included in the ESCP information on the Final Site Plan in accordance with Section 519 of the LDC.
10. Should the developer encounter any existing well(s), 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.
- ~~11. 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.~~
11. The developer shall provide listed species 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.

F. NOTICES

1. The Notice to Buyers shall be included in the Declaration of Covenants and Restrictions, and in a separate addendum to the sales contract and in the Final Site Plan shall include language to inform prospective homeowners of:
 - a) The presence of neighboring agricultural uses, which may possibly include pesticides and herbicides and may have odors and noises associated with such uses.
 - b) There is a fifty-foot wide Florida Gas Transmission Company Pipeline Easement which traverses the southern part of the site from east to west.
 - c) HOA documents shall include language which informs the potential buyer that roads within Rye Road Subdivision are privately maintained and are not designed to Manatee County Transportation Standards, i.e. sidewalk placement, Miami curb,

valley gutter inlets, gated inlet, right-of way widths, etc. In order for the private streets to be accepted into the County maintained system, approval is required from the Manatee County Transportation Department and Board Of County Commissioners

Should the homeowners wish to proceed at a later date with the process for acceptance of maintenance, be advised that all costs associated with the up-grades to current Manatee County Standards shall be borne entirely by the homeowners. Further, the acceptance must be taken to the Board of County Commissioners for a vote of acceptance. There are no assurances of acceptance by the Board, even if the roadways have been brought up to current Manatee County Standards.

GENERAL LOCATION:	East south of Rye Road, across from Gene Witt Elementary School.
SURROUNDING USES & ZONING	
NORTH	Vacant land (Diocese of Venice) zoned A. Across Rye Road. is Gene Witt Elementary School zoned PDR.
SOUTH	Vacant land zoned A, Farther south is Waterline Road
EAST	Rye Wilderness Subdivision zoned PDR
WEST	Vacant land and single-family residence zoned A. Farther west across Rye Road is <u>Gene Witt Elementary School, a fire station and Country Creek Subdivision</u> zoned PDR.

DETAILED DISCUSSION

Staff has the following design concerns:

- The site plan shows a proposed sidewalk along the west south side of Rye Road and a continuous sidewalk design which allows pedestrians to enjoy a walk-able community without having to cross the streets several times. According to the applicant, there will be nineteen lots in the southern part of the site without a sidewalk. Since there are no inter-neighborhood ties and the streets are private, staff believes this should not have an adverse impact on the community.

SPECIFIC APPROVALS – ANALYSES, RECOMMENDATIONS, FINDINGS

Applicant's Requests:

1. LDC Section 722.1.4.3 requires sidewalks along both sides of all street within a development which is within two (2) miles walking distance of a school. The applicant requests sidewalks on one side of the street for nineteen lots in the southern part of the site.

Staff Analysis and Recommendation

The site is within one mile of Gene Witt Elementary School. The proposed subdivision is directly northwest east of the school across Rye Road, a two lane rural road.

In addition to the existing five-foot wide sidewalk on the north west side of Rye Road, the design shows a proposed five-foot wide sidewalk to be installed along the 200-foot northern property line of Rye Road (~~south~~ east side) and a continuous sidewalk along the internal roads adjacent to 83 lots.

Staff believes the plan provides safe and efficient pedestrian access within the proposed gated community. Given there are no logical inter-neighborhood ties proposed or required, and the internal roads are private, staff anticipates traffic will be limited in the southern part of the site where there are no sidewalks proposed.

Finding for Specific Approval

Notwithstanding the failure of this plan to comply with the requirements of LDC Section 722.1.4.3, the Board finds that the public purpose and intent of the LDC regulations are satisfied to an equivalent degree because safe and efficient pedestrian access will not be compromised, as this subdivision is gated, private and has no inter-neighborhood ties.

2. LDC Section 907.9.4.2 requires a cul-de-sac street to not exceed 800 feet in length. The applicant requests a 3,650 foot long cul-de-sac.

Staff Analysis and Recommendation

The proposed Rye Road Subdivision is surrounded by wet lands and undeveloped properties. The shape of the property does not allow for two access points or inter-neighborhood ties. The route between the entrance and the loop drive may require safety improvements to satisfy the District Fire Marshal and Emergency Medical Services (EMS) during final design.

Given the site is constrained by its irregular shape, and the design includes turn-a-rounds at 800-foot intervals, 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 and intent of the LDC regulations are satisfied to an equivalent degree because turn-a-rounds are provided at 800-foot intervals and public safety will not be compromised.

3. LDC Section 740.2.6.18 requires right-of-way widths to be 50 feet. The applicant requests street right-of-way widths of 37 feet.

Staff Analysis and Recommendation:

The proposed travel lanes are to be constructed similar to Manatee County Transportation Department Highway, Traffic & Storm Water Standards, 2007, Index #401.8 with a pavement width of 24 feet, non-conforming six (6) foot sidewalks adjacent to the curb and two ten (10) foot Utility Easements located each side of the 37' right-of-way where lots exist on both sides of the roadway. Zero foot utility easement will be provided on the side of the road where no lots exist. Approval of this request is satisfied to an equivalent degree because safe and efficient pedestrian access will not be compromised, as this subdivision is gated, private, and has no inter neighborhood ties. There are no utilities on that side of the road and there is a wetland that would be impacted.

Since the proposed subdivision will be gated and private, should the applicant or HOA ever request the internal streets and sidewalks be turned over to the county, the streets and sidewalks would be required to be brought up to LDC requirements.

Staff recommends approval.

Finding For Specific Approval

Notwithstanding the failure of this plan to comply with the requirements of LDC

Section 740.2.6.18, the Board finds that the public purpose and intent of the LDC regulations are satisfied to an equivalent degree because the roads will be private and the street turnover will be acknowledge in the HOA documents.

4. LDC Section 712.2.8 requires a second means of access for more than 100 lots for safe entry to and egress from the project, particularly for emergency vehicles. The applicant requests 102 lots with one main access.

Staff Analysis and Recommendation:

Applicant proposes a layout in which the internal drive serves 50 lots in a loop and which, along the only route, serves 52 lots to a divided entry way with a wide median and a gated entrance to Rye Road. The loop and the long main drive provide access for all of the lots. The route between the entrance and the loop drive requires safety improvements (turn-arounds) to satisfy the District Fire Marshall for final design.

The Fire Marshal also requires a second entrance for 100 or more homes. Therefore, staff recommends two entrances for the subdivision or a reduction of two lots.

The applicant does not concur with staff and believes that the proposed design satisfies the public purpose and intent of the LDC regulation to an equivalent degree because the street layout allows safety improvements for emergency vehicles.

Staff recommends denial of this request.

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 and intent of the LDC regulations are not satisfied to an equivalent degree because public safety cannot be compromised.

Pedestrian Systems:

In addition to the existing sidewalk on the west ~~north~~ side of Rye Road, the design shows a proposed sidewalk to be installed along the south side of Rye Road, adjacent to 200-foot frontage of the property.