

B.C.C.: 04/05/2018

PDC-17-10(G) [related to PDC-05-58(Z)(P)]
Palmetto Plaza
(DTS #20170393)

An Ordinance of the Board of County Commissioners of Manatee County, Florida, regarding land development; approving a new General Development Plan for a commercial center to include a convenience store and gas pumps as well as additional commercial uses, on an approximately 9.16 acre site within the PDC (Planned Development - Commercial) zoning district; generally located west of US 41 at the intersection of US 41 and Bayshore Road, extending to the intersection of US 41 and Rock Payne Road (89th Street East), and the intersection of Bayshore Road and Rock Payne Road (89th Street East) at 9025 US41 N (Palmetto); subject to stipulations as conditions of approval; approving a schedule of uses voluntarily proffered by the applicant and attached as Exhibit "B"; setting forth findings; providing a legal description; providing for severability, and providing an effective date.

P.C.: 03/08/2018

B.O.C.C.: 04/05/2018

RECOMMENDED MOTION

Based upon the staff report, evidence presented, comments made at the Public Hearing, the action of the Planning Commission, and finding the request to be **CONSISTENT** with the Manatee County Comprehensive Plan and the Manatee County Land Development Code, as conditioned herein, I move to **ADOPT** Manatee County Ordinance No. PDC-17-10(G); **APPROVE** a General Development Plan with Stipulations A.1-A.8, B.1-B.5, C.1-C.2, and D.1; and **GRANT** Special Approval for a project: 1) adjacent to a Perennial Stream; as recommended by the Planning Commission.

(Commissioner Trace)

PLANNING COMMISSION ACTION:

On March 8, 2018, by a vote of 5 – 0, the Planning Commission recommended approval. Mr. Rutledge and Mr. DeLesline were absent.

PUBLIC COMMENT AND CORRESPONDENCE:

March 8, 2018 Planning Commission:

There were no public comments.

A revised General Development Plan, explanation of the change and a change to the staff report was entered into the record. These changes are reflected in this report.

PROJECT SUMMARY	
CASE#	PDC 17-10(G) (DTS #20170393)
PROJECT NAME	Palmetto Plaza
LAND OWNER/ APPLICANT(S)	Gabbert Investments Group, LLC
AGENT	Bob Schmitt (Land Planning Associates, Inc.)
PROPOSED ZONING	No change
EXISTING ZONING	PDC (Planned Development – Commercial)
PROPOSED USE(S)	Gas Pumps with Convenience store and additional uses as indicated in Exhibit “B”
CASE MANAGER	Tia Boyd, Planner I/Rossina Leider, Principal Planner
STAFF RECOMMENDATION	APPROVAL with Stipulations

DETAILED DISCUSSION

History:

In 2009 the Board of County Commissioners approved PDC-05-58(Z)(P) for the rezone of approximately 9.16± acres from A-1 (Suburban Agriculture – 1 dwelling unit per acre) to the PDC (Planned Development – Commercial) zoning district, and approved a Preliminary Site Plan for a 3,500 square foot convenience store with 7,540 square foot canopy over gas pumps, 15,673 square feet of general retail, and 36,648 square feet of office space in nine (9) 4,000 square foot buildings.

The convenience store gas pumps, retail and office space was not constructed and the plan expired.

Request

The request is for approval of a General Development Plan consisting of 5 outparcels to include a 6,400 square foot convenience store with a maximum of 16 gas pumps and additional uses as proffered by the Applicant attached as Exhibit “B”. Exhibit “B” allows Applicant’s to identify self-imposed prohibitions on uses for a project site in addition to those uses identified in the LDC as “not permitted” in the specific zoning district.

The site is in the RES-9 (Residential – 9 dwelling units per acre) Future Land Use Category and the intent is to identify 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 of the Manatee County Comprehensive Plan lists the range of potential uses for a property in the RES-9 FLUC as suburban or urban residential uses, neighborhood retail uses, dormitories, 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.

The intended use of the PDC (Planned Development – Commercial) zoning district is to provide for the development of commercial centers in scale with surrounding market areas, at appropriate locations, in conformance with the goals, objectives, policies, and locational criteria of the Comprehensive Plan and in compliance with the standards in the Manatee County Land Development Code (LDC). It is further the intent to permit the establishment of such districts only where planned development with carefully located buildings, parking and service areas, and landscaped open space will provide for internal convenience in ease of use and is compatible with adjacent and surrounding land uses. It is further intended that PDC districts shall provide a broad range of commercial facilities and service appropriate to the general

need of the area served.

Proposed uses include adult day care center, agricultural uses, alcoholic beverage establishment, alcohol beverage establishment – 2COP license, large assisted living facility, small assisted living facility, enclosed auction houses, open action houses, bed and breakfast, building materials sales establishment, business services including small and medium printing, full service car wash, incidental car wash, self-service car wash, large child care center, medium child care center, small child care center, accessory child care center, clinics, cultural facilities, drive-through establishments, public and private environmental land preserves, light equipment sales, rental and leasing, food catering service establishment, funeral chapel, funeral home, gas pumps, intensive services: sign painting service, intensive service: taxi-cab, limousine service, intensive services: towing service and storage establishment. The proposed uses are permitted in the PDC zoning district. Additional review and approval processes are required for all proposed uses that require an Administrative Permit or a Special Permit.

The intensities for PDC development are set forth by the Manatee County Comprehensive Plan. The RES-9 Future Land Use Category has a maximum floor area ratio of 0.23. The applicant proposes a maximum floor area ratio of 0.23.

Staff recommends APPROVAL with Stipulations.

SITE CHARACTERISTICS AND SURROUNDING AREA

ADDRESS	9025 US 41 N (Palmetto)	
GENERAL LOCATION	Generally located west of US 41 at the intersection of US 41 and Bayshore Road, extending to the intersection of US 41 and Rock Payne Road (89 th Street East), and the intersection of Bayshore Road and Rock Payne Road (89 th Street East) (Palmetto).	
ACREAGE	9.16± acres	
EXISTING USE(S)	Site is currently vacant	
FUTURE LAND USE CATEGORY(S)	RES-9 (Residential – 9 dwelling units per acre)	
OVERLAY DISTRICT	N/A	
INTENSITY	Max. FAR allowed = 0.23	Max. FAR proposed = 0.23
SPECIAL APPROVAL(S)	Project adjacent to a perennial stream	
SPECIFIC APPROVAL(S)	Not Applicable	

SURROUNDING USES & ZONING

NORTH	Across Bayshore Road, Commercial Retail (Dollar General) zoned NC-M (Neighborhood Commercial – Medium)
SOUTH	Across Rock Payne Road (89 th Street East), Residential single family and vacant property zoned A-1 (Suburban Agriculture).
EAST	Across US Highway 41 North, Grazing Class I zoned PD-R (Planned Development – Residential).
WEST	Across Bayshore Road, RV Park zoned PD-RV (Planned Development – Recreational Vehicle).

SITE DESIGN DETAILS															
SETBACKS (MINIMUM)	Front 30'(thoroughfare) 35' (local road) Side 15' Rear 20'														
OPEN SPACE	Required minimum = 20% Proposed minimum = 20%														
ACCESS	One (1) along US 41 North One (1) along Rock Payne Road (89 TH Street E) One (1) along Bayshore Road														
PARKING MINIMUMS	Gas Pumps require 1 space per 2 pumps Convenience Store requires 1 space per 250 Gross Floor Area (or a minimum of 4 spaces) Parking for uses in Exhibit "B" will comply with LDC Table 10-2														
FLOOD ZONE(S)	Parcel lies in Zones X and AE with a Base Flood Elevation of 16.9' NAVD 1988 per FIRM Panel 12081C0156E.														
AREA OF KNOWN FLOODING	Yes.														
UTILITY CONNECTIONS	The following water and wastewater facilities are in the vicinity of this development project: Water: 16" DIP potable water main along US 41 and 8" PVC potable water main along 89 th Street E Sewer: According to Manatee County GIS there is not any County owned gravity sewer along US 41, 89 th Street E, or Bayshore Road, but there is a 12" sanitary force main along US 41 Reclaimed: According to Manatee County GIS there is not any County owned reclaimed water main along US 41, 89 th Street E, or Bayshore Road														
ENVIRONMENTAL INFORMATION															
Overall Wetland Acreage	0.09±acres														
Proposed Wetland Impacts	0.09±acres														
<u>Wetlands:</u>															
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<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 10%;">Wetland I.D.</th> <th style="width: 10%;">Acres Impacted</th> <th style="width: 15%;">Type</th> <th style="width: 10%;">Quality (UMAM)</th> <th style="width: 10%;">Reason for Impact</th> <th style="width: 10%;">NRD Objection</th> <th style="width: 25%;">Explanation</th> </tr> </thead> <tbody> <tr> <td>A</td> <td>0.09</td> <td>Forested</td> <td>Low (0.30)</td> <td>Non-viable</td> <td>No</td> <td>Non-viable wetland</td> </tr> </tbody> </table>		Wetland I.D.	Acres Impacted	Type	Quality (UMAM)	Reason for Impact	NRD Objection	Explanation	A	0.09	Forested	Low (0.30)	Non-viable	No	Non-viable wetland
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A	0.09	Forested	Low (0.30)	Non-viable	No	Non-viable wetland									
<p>According to the environmental narrative provided by ECO Consultants dated July 2017, there is one wetland coded 510 Exotic Wetland Hardwoods that is 0.09 acres in size. This wetland is proposed to be impacted and UMAM scoring of 0.30</p>															

has been provided. The detailed UMAM analyses to determine functional loss of wetlands impacted by the GDP will be prepared during future FSP applications.

The project contains a perennial stream that exits the site at the north end. Special Approval is required for the project because of this stream.

Uplands:

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

Endangered Species:

According to the environmental narrative no evidence of listed species was observed on-site.

Trees

No information at this time. It appears most of the vegetation on-site is nuisance, exotic species, however, at time of Final Site Plan review the applicant will address tree removal and replacement.

Landscaping/Buffers:

The GDP shows 10' wide roadway buffers along all three (3) frontages of U.S. 41, Bayshore Road and Rock Payne Road. All the required buffers are exclusive of any future or existing rights-of-way in these locations. Individual parcels will be required to meet Sections 700 & 701 when they come in for Final Site Plan approvals.

NEARBY APPROVED DEVELOPMENT

NON-RESIDENTIAL

USE	YEAR BUILT	FLUC	ZONING	ACREAGE	BUILDING SIZE	INTENSITY
Dollar General	2014	RES-9	NC-M	2.44	9,100	0.11
Country Deli Store	1976	RES-9	NC-M	3.41	2,880	0.02
Circle K	2013	R/O/R RES-9	PDC	2.17	4,230	0.04
Calcutta Marine	1980	MU	PDI	1.44	12,668	0.2

COMPLIANCE WITH LDC

Standard(s) Required	Design Proposal	Compliance		Comments
		Y	N	

BUFFERS

10' roadway buffer – North – Bayshore Road	10'	Y		Shown
10' roadway buffer – South – Rock Payne Road (89 th Street East)	10'	Y		Shown

10' roadway buffer – East – US 41 N	10'	Y		Shown
10' roadway buffer – West – Bayshore Road	10'	Y		Shown

TREES

N/A	N/A	N/A	N/A	No tree information has been provided at this time. All landscaping shall be in compliance with LDC Section 700 and 701.
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SIDEWALKS

5' external sidewalk – US 41 N	5' external sidewalk	Y		Shown
5' external sidewalk – Bayshore Road	5' external sidewalk	Y		Shown
5' external sidewalk – Rock Payne Road (89 th Street East)	5' external sidewalk	Y		Shown

TRANSPORTATION

Major Transportation Facilities

The site is located south and east of Bayshore Road on the west side of US 41. In the Comprehensive Plan's Future Traffic Circulation Plan, Bayshore Road is designated as a two-lane collector roadway with a planned right of way width of 84 feet. In the Comprehensive Plan's Future Traffic Circulation Plan, US 41 is designated as an eight-lane arterial roadway with a planned right of way width of 200 feet.

Transportation Concurrency

The Applicant is only seeking General Development Plan (GDP) approval at this time, and, thus, cannot obtain transportation concurrency until the Preliminary Site Plan (PSP)/Final Site Plan (FSP) review stage(s) of this project. At that time, the Applicant will be required to submit a traffic analysis to determine if any off-site concurrency-related improvements are required by the project. Based on the concurrency link sheet, staff have provided estimated operating conditions of adjacent thoroughfare roadways in the CLOS table below.

Access

The site will have access via one proposed access to Bayshore Road, one proposed access to US 41, and one proposed access to 89th Street East, a local road. At the time of future site plan submittal and accompanying traffic analysis review, all proposed access points will be evaluated to determine if any further site-related improvements will be required for the site.

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

CLOS APPLIED FOR: No (A CLOS application cannot be filed with a GDP)
TRAFFIC STUDY REQ'D: Not at this time. A traffic study will be required at the time of PSP/FSP submittal).

NEAREST ROADWAY	LINK(S)	ADOPTED LOS	FUTURE LOS (W/PROJECT)
Bayshore Road	2170	D	B
US 41	3370	D	C

OTHER CONCURRENCY COMPONENTS

Solid waste landfill capacity, transportation and preliminary drainage intent will be reviewed at the time of application for concurrency. Potable water and waste water will be reviewed at the time of FSP/Construction Drawings

POSITIVE ASPECTS
<ul style="list-style-type: none">▪ The proposed uses will support surrounding businesses and residences.▪ The site was zoned Planned Development Commercial in 2005 and a convenience store with gas pumps in addition to retail and office were found to be appropriate for the site and compatible with the surrounding area.▪ The site is surrounded by roadways to the north, south, east, and west reducing potential impacts to surrounding properties.▪ The site has frontage on US41 N which is classified as an arterial roadway.
NEGATIVE ASPECTS
<ul style="list-style-type: none">• The project proposes to fill the 0.09± acres of wetland on the site.
MITIGATING MEASURES
<ul style="list-style-type: none">• The wetland has been determined to be degraded and is proposed to be mitigated for at the south end of the project area, adjacent to the proposed stormwater facility.
REMAINING ISSUES OF CONCERN (NOT RESOLVED OR CONDITIONED WITH RECOMMENDATION OF APPROVAL)
No remaining issues.

SPECIAL APPROVALS – FINDINGS
<p>Manatee Comprehensive Plan defines Special Approval as a development order review and approval process entailing, at a minimum, project review and approval by the Manatee County Board of County Commissioners; or the specific delegation of any specific review and approval process, or part thereof, to one or more County departments with option for appeal to the BOCC.</p> <p>1. Special Approval is required for a project adjacent to a perennial stream. The purpose of Special Approval according to Manatee County Comprehensive Plan Policy 3.2.2.1., is to ensure that project impacts on these waterbodies are identified and minimized. The proposed General Development Plan will have no significant detrimental impacts on natural resources, adjacent land uses or public facilities.</p> <p>The proposed General Development Plan appears appropriate and consistent with the applicable regulations related to preserve and protect natural features and sensitives environments.</p> <p>Planned Development is the mechanism for granting Special Approval. The site is currently zoned PDC (Planned Development Commercial).</p>
COMPLIANCE WITH THE LAND DEVELOPMENT CODE
<p>321.3 General Development Plan (GDP) Review Criteria</p> <p>The proposed plan is consistent with the Manatee County Comprehensive Plan and the Manatee County Land Development Code, including criteria for the Planned Development Residential zoning district, contained in Chapter 4.</p> <p>402.6 General Design Requirements for all Planned Development Site Plans</p>

A. Physical Characteristics of the Site; Relation to Surrounding Property.

The site is currently vacant and is surrounded by roadways to the north, south, east and west. The physical characteristics and conditions of the site are suitable for commercial development.

The project site has 0.09±acres of wetland which have been determined to be degraded and 0.05±acres of surface water ditches. The wetland and ditches are proposed to be filled and the wetland mitigated for at the south end of the project area, adjacent to the proposed stormwater facility.

B. Relation to Public Utilities, Facilities and Services.

The project will be served by County water and County sewer.

C. Relation to Major Transportation Facilities.

The site is west of US 41 N at the intersection of US 41 N (Arterial) and Bayshore Road (Collector), extending to the intersection of US 41 N and Rock Payne Road (89th Street East), and the intersection of Bayshore Road and Rock Payne Road (89th Street East). The site is proposed to have three (3) access points, one off US 41 N, one off Bayshore Road, and one off Rock Payne Road (89th Street E).

Commercial Locational Criteria requires that proposed commercial projects shall be located within a commercial node at the intersection of at least two (2) roadways functionally classified as a collector or higher. The project site meets the requirements for Commercial Locational Criteria.

D. Compatibility.

The site is surrounded by roadways to the north, south, east, and west, therefore a continuous 10 foot roadway buffer is proposed around the entire site.

The project area is surrounded by residential and commercial uses. The proposed convenience store and gas pumps and uses listed in Exhibit “B” are compatible with the surrounding uses and appropriate in this area.

The PDC zoning district allows the Board to attach stipulations to ensure the project is compatible with surrounding uses.

E. Transitions.

The site is surrounded by roadways and the general area includes residential uses such as RV parks, mobile home parks, and single family units, and commercial uses, including stores.

Commercial development in the surrounding area range from 0.02 to 0.2. The proposed FAR of 0.02 for the convenience store and maximum FAR of 0.23 for the entire project site appears to be responsive to the character of the area and provides for gradual changes between intensities.

F. Design Quality.

The proposed General Development Plan addresses the criteria set forth in the Manatee County Land Development Code Section 402.

G. Relationship to Adjacent Property.

To the north across Bayshore Road is Dollar General Store, to the south across Rock Payne Road (89th Street East) is single family residential, to the east across US41 N is vacant land and to the west across Bayshore Road is a RV Park.

The proposed development provides adequate buffers and screening between adjacent properties.

H. Access.

I. Streets, Drives, Parking and Service Areas.

The site will have three (3) access points, one off US 41 N, one off Bayshore Road, and one off Rock Payne Road (89th Street E).

Access driveways shall be constructed per Manatee County Transportation Department Highway, Traffic & Stormwater Standards.

Parking and loading areas will comply with LDC Chapter 10.

J. Pedestrian Systems.

Five foot wide external sidewalks extend along the entire perimeter of the site.

K. Natural and Historic Features, Conservation and Preservation Areas.

There are no known archaeological or historic sites on the property and no conservation or preservation areas are required on the site.

L. Density/Intensity.

The Future Land Use Category of the site is Res-9 (Residential – 9 dwelling units per acre) which permits a maximum FAR of 0.23. The Applicant proposes a maximum FAR of 0.23 for the entire site. The proposed convenience store has a FAR of 0.02 which is less than the proposed maximum for the site.

M. Height.

The applicant proposes a maximum building height of 35 feet.

N. Fences and Screening.

A continuous 10 foot wide roadway buffer is proposed around the entire site. All buffers and screening will be in compliance with LDC Section 700 and 701.

O. Yards and Setbacks.

The General Development Plan lists the proposed minimum setbacks as 30 feet for the front yard, 15 feet for the side yard and 20 feet for the rear yard.

P. Trash and Utility Plant Screens.

Proposed trash and utility plant screens will be reviewed with future site plan submittals.

Q. Signs.

Signs are proposed to be in accordance with Manatee County in accordance with LDC Section 605.

R. Landscaping.

Landscaping is proposed to meet the standards in LDC Section 701

S. Special Guidelines for Review of Projects with Mixed Use Plan Designations and Projects at Designated Entranceways.

Not Applicable

T. Environmental Factors.

The minimum open space required for Planned Development Commercial is 20%. The applicant proposes minimum open space as 20%.

U. Rights-of-Way and Utility Standards. All improvements shall adhere to the requirements of the County's administrative procedures for all public and private rights-of-way construction.

The applicant proposes to adhere to all requirements of the County's administrative procedures for all public and private rights-of-way construction.

V. Stormwater Management.

The applicant proposes to adhere to all requirements of LDC Section 801, Stormwater Management and the County's administrative procedures.

402.11 PDC – Planned Development Commercial Standards

A. Intent

B. Permitted Uses

The proposed use of convenience store with gas pumps are permitted in PDC zoning districts. The potential future uses voluntarily proffered by the Applicant in Exhibit "B" are permitted in the PDC zoning districts. Additional reviews and approval processes are required for all proposed uses that require an Administrative Permit or a Special Permit.

C. Permitted Accessory Uses and Structures

Not Applicable

D. PDC Standards

1. Intensity

The maximum proposed FAR for this project is 0.23. The proposed convenience store is 6,400 square feet resulting in a FAR of 0.02 which is less than the maximum FAR proposed for the site.

2. Landscaped Open Space

The Applicant proposes a minimum 20 percent open space.

3. Yards and Setbacks

The Applicant proposes minimum setbacks as 30 feet for the front yard, 15 feet for the side yard and 20 feet for the rear yard.

531.49 Retail Uses

A. Retail in the RVP Zoning District.

The project site is not in the RVP (Recreational Vehicle Park) Zoning District.

B. Retail in the VIL Districts.

The project site is not in the VIL (Village (Myakka City, Parrish, Rubonia)) Districts.

C. Retail in the NC-S, PDO and PDA Districts.

The project site is not in the NC-S (Neighborhood Commercial – Small), PDO (Planned Development Office), or PDA (Planned Development Agriculture) Districts.

D. Retail in HC zoning with IL (Industrial Light) future land use category.

The site is not in the HC (Heavy Commercial) zoning district and does not have an IL (Industrial Light) FLUC.

E. Retail in PD Districts.

The project site is not in the PDO (Planned Development Office), PDRP (Planned Development Research Park), PDI (Planned Development Industrial), PDPI (Planned Development Public Interest), PDW (Planned Development Waterfront), PDMU (Planned Development Mixed Use), PDRV (Planned Development Recreational Vehicle), or PDMH (Planned Development Mobile Home) Zoning Districts.

F. Retail restrictions per future land use category.

The site is in the RES-9 FLUC. The proposed square footage does not exceed the maximum square footage of 30,000 (medium) for retail uses in the RES-9 FLUC.

531.51 Service Station/Gas Pumps

A. Location.

The proposed gas station is sufficiently located away from churches, playgrounds, playfields, parks, hospitals, public or private schools, public libraries, theaters, auditoriums, stadiums, public assembly halls, or similar facilities.

B. Lot Dimensions.

The proposed gas station meets the setback requirements of the PDC district regulations and the regulations of LDC Section 531.51.C. The proposed frontage exceeds one hundred fifty (150) feet.

C. Setbacks.

The proposed location of the accessory building, gasoline pump, tank, vent, pump island, or pump island canopy will not be located within 25 feet of the property line.

D. Service Bays.

No service bays are provided with this proposed gas station.

E. Flammable Liquids Products Storage.

The storage, utilization, or manufacture of flammable, combustible liquids, or gases will comply with 540.7.J.1, Fire and Explosive Hazards, Florida Department of Environmental Protection 17-761 and 17-762.

F. Interior Traffic Circulation.

Proposed separation between the proposed gas station and proposed retail sales establishment will be adequately separated from the sale of gasoline or servicing of vehicles to provide safe and efficient on-site traffic circulation. The area containing the gas pumps and the circulation around these pumps will provide landscaping meeting the standards of Section 701.

G. Neighborhood Commercial (NCS and NCM) Districts.

The project site is not in the NCS (Neighborhood Commercial Small) or NCM (Neighborhood Commercial Medium) Districts.

H. Cortez Fishing Village HA Overlay District.

The project site is not in the Cortez Fishing Village HA (Historical and Archaeological) Overlay District.

I. Planned Development Districts.

The project site is located on US 41 N (Arterial) and Bayshore Road (Collector) and follows the requirements of 531.51.

J. Non-Retail Pumps.

The proposed gas station is not a non-retail pump for an agricultural use or boat docking/storage facility.

K. Urban Corridors.

The project site is not in the Urban Corridor.

COMPLIANCE WITH COMPREHENSIVE PLAN

The site is in the RES-9 (Residential – 9 dwelling unit per acre) 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 and Compatibility.

The surrounding area is a mix of commercial and residential uses. The proposed use of convenience store with gas pumps, and the uses proposed in Exhibit “B” can serve the surrounding area, therefore, the timing of this development is appropriate.

Policy 2.6.1.1 Compatibility:

The proposed convenience store, gas pumps, and additional uses proffered by the Applicant in Exhibit “B”, are compatible with surrounding development.

The following policies are applicable for the RES-9 FLUC:

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.

Neighborhood retail uses, short-term agricultural uses other than special agricultural uses, public or semi-public uses, schools, and low intensity recreational uses are listed in the range of potential uses within the RES-9 Future Land Use Category.

Policy 2.2.1.13.3. Potential Density/Intensity:

The RES-9 Future Land Use allows a maximum FAR of 0.23 dwelling units per acre. The Applicant proposes a maximum FAR of 0.23. The proposed 6,400 square foot convenience store has a FAR of 0.02 which is less than the proposed maximum FAR for the site.

STAFF RECOMMENDED STIPULATIONS

A. DESIGN AND LAND USE

1. The uses for this project are limited to those voluntarily proffered by the Applicant in the Schedule of Uses attached to Zoning Ordinance PDC-17-10(G) as Exhibit B.
2. The convenience store and gas pumps, when constructed, shall include the necessary components (i.e., stormwater, access, and buffers) to function independently and shall be shown as such on the Final Site Plan.
3. All required standards for Specific Use criteria for the convenience store found in LDC Section 531.49 and gas pumps found in LDC Section 531.51 shall be met at the time of Final Site Plan approval.
4. All roof mounted HVAC equipment shall be screened from view from adjacent right-of-way, and adjacent properties at ground level. 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 Final Site Plan.
5. The dumpster shall be screened from view from internal driveways, and adjacent properties. Screening shall consist of building materials matching the building on site, or opaque fence. Details of screening shall be submitted with Final Site Plan.
6. No pole signs shall be permitted on Bayshore Road. All other signs shall be in compliance with LDC Section 605. In addition, all free standing signs must provide concealment of main support structure (e.g. pole) between 20% and 100% of sign width materials consistent with those in the development.

7. Any required cross access easements shall be shown on all Preliminary Plats, Final Plats and/or Final Site Plans. Any required cross access easement shall be recorded prior to the issuance of a Certificate of Completeness (COC).
8. Proposed public or private schools and schools of special education shall not be located on outparcels adjacent to gas pumps.

B. ENVIRONMENTAL

1. A Conservation Easement for the areas defined as post-development jurisdictional wetlands/wetland buffers and upland preservation areas that will serve as mitigation areas shall be dedicated to the County prior to or concurrent with Final Plat approval.
2. 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 355 (519) of the LDC.
3. Prior to Preliminary Site Plan/Final Site Plan approval, the entire site shall be evaluated for potential hazardous material locations (i.e., historical cattle dipping vats, underground/above ground storage tanks, or buried drums) by a qualified environmental consultant. Should evidence of contamination be discovered, further investigation will be required to determine the level of contamination and appropriate remediation/mitigative measures. Sec.542.7.J (formerly Sec. 723.3.7.10)
4. A Well Management Plan for the proper protection and abandonment of existing wells shall be submitted to the County for review and approval prior to Final Site Plan approval. The Well Management Plan shall include the following information:
 - Digital photographs of the well along with nearby reference structures (if existing).
 - GPS coordinates (latitude/longitude) of the well.
 - The methodology used to secure the well during construction (e.g. fence, tape).
 - The final disposition of the well - used, capped, or plugged.
5. 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 Buffalo Canal/Frog Creek watershed. Modeling shall be used to determine pre- and post- development flows.
2. Any impacts (fill) within the 100-year floodplain shall be compensated by the creation of an equal or greater storage volume above seasonal high water table. 100-year floodplain impacts shall be mitigated in sole use compensation areas, not dual-use stormwater facilities (i.e., stormwater attenuation and floodplain compensation).

D. UTILITIES

1. Connection to the County wastewater system is required pursuant to the Manatee County Comprehensive Plan. The cost of connection, including the design, permitting and construction of off-site extensions of lines, shall be the responsibility of the Applicant. Such off-site extension shall be designed and constructed in accordance with the County's Wastewater System Master Plan. The connection shall be designed, engineered and permitted by the Applicant consistent with Manatee County Public Works Standards and approved by County Engineer through the construction plans review process for the project.

ATTACHMENTS

1. **Applicable Comprehensive Plan Policies**
2. **Staff Report Maps**
3. **General Development Plan**
4. **Exhibit "B"**
5. **Environmental Narrative**
6. **Special Approval Letter**
7. **Newspaper Advertising**
8. **Ordinance PDC-17-10(G)**

APPLICABLE COMPREHENSIVE PLAN POLICIES

Policy:	2.1.2.7	Review all proposed development for compatibility and appropriate timing. This analysis shall include: <ul style="list-style-type: none"> - consideration of existing development patterns, - types of land uses, - transition between land uses, - density and intensity of land uses, - natural features, - approved development in the area, - availability of adequate roadways, - adequate centralized water and sewer facilities, - other necessary infrastructure and services. - limiting urban sprawl - applicable specific area plans - (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, dormitories, 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). Hotel uses may also be allowed within this designation but only along Urban Corridors and subject to the locational criteria for commercial uses.
Policy:	2.2.1.13.3	Range of Potential Density/Intensity: Maximum gross residential density: Nine (9) dwelling units per acre; up to twenty (20) dwelling units per acre along designated urban corridors if a density bonus is approved. Minimum Gross Residential Density: 7.0 only in UIRA for residential projects that designate a minimum of twenty-five (25) percent of the dwelling units as "affordable housing". Maximum net residential density: Sixteen (16) dwelling units per acre. Twenty (20) dwelling units per acre within the UIRA for residential projects that designate a minimum of twenty-five (25) percent of the dwelling units as "Affordable Housing". Maximum "net" densities shall not apply to projects within designated Urban Corridors. See Policies 2.3.1.4 and 4.3.1.5 for density restrictions within the WO or CHHA Overlay Districts. Maximum Floor Area Ratio: 0.23 (0.35 for mini-warehouse uses). 1.00 inside the UIRA and within designated Urban Corridors. Maximum Square Footage for Neighborhood Retail Uses: Medium (150,000 s.f.).
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 six (6) dwelling units per acre, or in which any net residential density exceeds nine (9) dwelling units per acre shall require special approval.
- (c) Any nonresidential project exceeding thirty thousand (30,000) square feet of gross building area shall require special approval.
- (d) The Special Approval requirements listed above ((a) through (c)) shall not apply to development along the designated Urban Corridors or within the UIRA.
- (e) Professional office uses not exceeding three thousand (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 Policy 2.10.4.2).

Policy 2.10.4.1 Limit the location of all new commercial development to well-defined nodes, or compact groupings, to:

- Provide a reasonable compromise of predictable, yet flexible, commercial locations for all residents and business interests in Manatee County.
- Increase safety and maintain the vehicular capacity of public roads by discouraging linear "strip" commercial development and the multiple access points which are likely to accompany such linear commercial development.
- Facilitate compliance with the commercial project access criteria contained in Objective 2.10.3.
- Maximize the accessibility and viability of commercial development by using location and grouping to maximize the number of trips to the commercial site.
- Establish conveniently located commercial uses for residents of Manatee County.

Policy 2.10.4.2 Prohibit the consideration of any development order establishing the potential for commercial development, where the proposed project site is inconsistent with commercial locational criteria. Consistency shall be determined through the application of the commercial location review process described in the operative provisions contained in this Element. Permitted exceptions to these requirements are limited to:

- Existing commercial uses that are legally permitted, and that are in place at time of comprehensive plan adoption. However, where such uses are nonconforming to other development regulations, nothing in this policy shall render those uses conforming to the subject regulations.
- Redevelopment of an existing commercial use which does not meet the commercial locational criteria, subject to the finding by the Board of County Commissioners that the proposed project is consistent with the general welfare of Manatee County residents.
- Locations designated as Retail/Office/ Residential or Low Intensity Office (OL), Medium Intensity Office (OM) or Mixed Use (MU) or within the MU-C Mixed Use Community and its Sub Areas [see Policies 2.2.1.16.4(b) and 2.2.1.17.4(e)].
- Recreational vehicle parks. However, compliance with Policy 2.10.5.2 shall be required.
- Establishments providing nursing services as described in Ch. 464, F.S.
- Sale of agricultural produce at roadside stands.
- Small commercial uses associated with a permanent roadside agricultural stand. Maximum commercial square footage shall be three thousand five hundred (3,500) square feet of the project. Development must be located on functionally classified rural arterial or rural collector roadway. Planned development approval required.
- Agricultural service establishments (e.g. farm equipment sales and service).
- Low intensity commercial recreational facilities (e.g., driving range).
- Rural recreational facilities located in the Ag/R future land use category meeting adverse impact standards as established within the Manatee County Land Development Code. All such uses must receive Special Approval.

- Appropriate water-dependent, water-related, and water-enhanced commercial uses, as described under Objective 4.2.1.
- Commercial uses located within Port Manatee.
- Professional office uses not exceeding three thousand (3,000) square feet in gross floor area within the Res-6, Res-9, RES-12, and Res-16 future land use categories may be exempted from compliance with any locational criteria specified under Policies 2.10.4.1 and detailed in the operative provisions provided such office is located on a roadway classified as a minor or principal arterial on the roadway functional classification map, 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 Policies 2.2.1.12.4, 2.2.1.13.4, 2.2.1.15.4).
- Commercial uses located within the rural community of Myakka City which is designated as those lands on Sheet 29 of the Future Land Use Map shown as Res-3 or Res-1 on May 11, 1989, provided that they are located along State Road 70 within one thousand six hundred forty (1,640) feet west from its intersection with Wauchula Road, and one thousand five hundred (1,500) feet east from its intersection with Wauchula Road and located within one thousand (1,000) feet along Wauchula Road from its intersection with State Road 70. Further, properties developed commercially, or having commercial zoning in place at the time of adoption of this Comprehensive Plan if they have frontage on State Road 70 and are within three-quarters ($\frac{3}{4}$) mile of the State Road 70 and Wauchula Road intersection are also exceptions. Furthermore, all commercial uses allowable under this provision will be exempt from the one-half ($\frac{1}{2}$) mile spacing requirement denoted in Policy 2.10.4.3(4).
- Small commercial (professional) office uses which operate as an accessory use to a residential religious development. Such accessory office uses which do not serve the general public but which serve the residential religious development may locate in residential future land use categories (RES-1, RES-3, UF-3, RES-6, RES-9, RES-12 and RES-16).
- And may be exempted from compliance with any locational criteria specified under Policies 2.10.4.1 and detailed in the operative provisions (see also Policies 2.2.1.9, 2.2.1.10, 2.2.1.11, 2.2.1.12.4, 2.2.1.13.4, 2.2.1.14.4 and 2.2.1.15.2).
- Neotraditional developments that have commercial and office developments located internal to the project and whose main project access is located on a road designated as a collector or higher.
- DRI's and Large Project developments that have mixed uses with a residential component and meet minimum development characteristics (see Neo-Traditional Development definition for development characteristics), have commercial uses located internal to neighborhoods and whose main neighborhood access is located on a road designated as a collector or higher.
- Commercial uses located within the Parrish area for properties fronting US 301, from Moccasin Wallow Road to the realigned Ft. Hamer Road. These commercial uses are limited to a building footprint of five thousand (5,000) square feet except at nodes.

No exception to commercial locational criteria provided for under this policy shall be used as a precedent for establishing other commercial development inconsistent with this Comprehensive Plan.

Nothing in this policy shall require the issuance of a development order solely on the basis of compliance with commercial locational criteria. Compliance with other commercial development standards contained in Policy 2.10.4.3 below, and with all other goals, objectives, and policies of this Comprehensive Plan is also required for issuance of a development order approving commercial uses. In particular, compliance with the policies of Objectives 2.6.1 and 2.6.2 is mandatory for approval of any commercial use within a residential designation.

Policy	2.10.4.3	<p>Require that all proposed commercial uses meet, in addition to commercial locational criteria, the following commercial development standards:</p> <ol style="list-style-type: none">(1) Any proposed commercial site must be sized and configured to provide for adequate setbacks, and buffers from any adjacent existing or future residential uses.(2) Any proposed commercial site must be configured and sized to allow for orientation of structures, site access points, parking areas, and loading areas on the site in a manner which minimizes any adverse impact on any adjacent residential use.(3) No proposed commercial site shall represent an intrusion into any residential area. As used in this standard, "intrusion" means located between two (2) residential uses or sites which are not separated by the right-of-way of any roadway functionally classified as collector or higher, unless the proposed commercial use meets the definition of "infill commercial development," demonstrated through evaluation of existing land use patterns in this vicinity of the proposed use, and pursuant to guidelines contained in commercial locational criteria found in the operative provisions of this Element. Permitted exceptions listed in Policy 2.10.4.2 shall not be required to meet this development standard. No such intrusion shall be found in neotraditional developments approved as such by the County, as a mixture of uses are encouraged within those projects. No such intrusion shall be found in DRI and Large Project developments where commercial uses are internal to neighborhoods, approved as such by the County, as a mixture of uses are encouraged within those neighborhoods.(4) Commercial nodes meeting the requirements specified in the operative provisions of this Element shall, additionally, be spaced at least one-half (½) mile apart, as measured between the center of two (2) nodes. However, where two (2) commercial nodes have been established by the development of commercial uses prior to plan adoption, and are spaced less than the minimum required one-half (½) mile, then a waiver of this commercial development standard may be considered. Preferentially, in instances where previous development has not established a pattern of land uses inconsistent with commercial locational criteria or development standards, nodes shall be spaced no less than one (1) mile apart. Neotraditional projects shall be exempt from this requirement. DRI and Large Project developments that have mixed uses with a residential component that receive approval to locate commercial uses internal to neighborhoods shall be exempt from this requirement.
Policy	2.10.4.4	<p>Permit compatible commercial uses in areas of Myakka City and Parrish which meet commercial locational criteria requirements as set forth in the operative provisions, or meet a permitted exception thereto as set forth in Policy 2.10.4.2, provided such general commercial uses front on at least one (1) roadway shown on the Roadway Functional Classification Map as collector or higher, and provided further that such compatible commercial uses shall be in compliance with Objective 2.6.1.</p> <p>Implementation Mechanism(s):</p> <ol style="list-style-type: none">(a) Manatee County review of proposed site design and layout for commercial uses for compliance with this policy.(b) Review of level of service and generalized roadway functions for roadways from which access to a commercial project is proposed.(c) Placement of conditions, as necessary, on development orders when issued so as to ensure compliance with this policy.