

**PDR-17-17(Z)(P) – TRB Development The Grove LLC, Rezone/
The Grove @ Grand Oak Preserve
DTS# 20170241**

An Ordinance of the Board of County Commissioners of Manatee County, Florida, regarding land development, amending the official zoning atlas (Ordinance No. 15-17, the Manatee County Land Development Code) relating to zoning within the unincorporated area, providing for the rezoning of approximately 31.10 acres from the A/NC (General Agriculture-One dwelling unit per five acres/North Central Overlay District) to the PDR (Planned Development Residential) zoning district, retaining the NC Overlay District; and approving a Preliminary Site Plan for 83 lots for single-family detached residences; approximately one half (½) mile north of U.S 301 and one third (1/3) mile east of Erie Road at 8809, 8909, 8910, 9009, and 9010 Erie Court, Parrish (Manatee County); subject to stipulations as conditions of approval; setting forth findings; providing for severability; providing a legal description, and providing an effective date.

P.C.: 7/12/2018

B.O.C.C: 08/02/2018

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 Zoning Ordinance No. PDR-17-17(Z)(P); and APPROVE the Preliminary Site Plan with Stipulations A.1- A.2, B.1–B.4, C.1-C.5, D.1, E.1 and F.1; GRANT Special Approval for a project: 1) adjacent to a perennial stream; and 2) in the 25-year floodplain; ADOPT the Findings for Specific Approval and GRANT Specific Approval for an alternative to LDC Section 1001.1.C. (allow emergency access as second means of access), as recommended by the Planning Commission.

(Commissioner Trace)

PLANNING COMMISSION ACTION:

On July 12, 2018, by a vote of 4 – 1, the Planning Commission recommended approval. One seat was vacant and Mr. Conerly abstained.

Mr. Roth voted nay for the following reasons:

- The project is totally in a 25 year floodplain. 87% of the lots are within this floodplain.
- The mitigation is to create ponds on the site to allow for run off 7.78 acres ± or the allotted 25% open space required to build on a site. Therefore, all required space is under water.
- The compensations regarding the Location of the Slaughter Drain and the stormwater flows are modeled but not proven. Who is responsible for building it? Can we really reduce the flow by 50%?
- Erie Court is most likely an improved trail covered by asphalt and presumably maintained by the local community. When he visited the property, the road, which is approximately 12-14 foot wide, still had deep ditches filled with water 4 days after a storm. The applicant has requested a special approval to build a 50 ft. wide road. Who will pay for it? When will it be erected?

- Erie Court has been tasked to add sidewalks and remain as a key entrance for emergency vehicles. Not wide enough for 2 vehicles to pass each other, no way to turn around. Sidewalks will make it smaller. Who will build a proper road?
- It may be that the properties on Erie Court were always under water before this request was initiated. There is no assurance that this community's runoff as well as that of the next community, Grand Oaks 93 homes on the east will make it any better.
- Egress from the community is through current, recently constructed, standard width streets in the non built Grand Oaks community to the east, 93 homes and the 83 homes of this community will all exit on to 96th Ave. E., and then to US 301. No current traffic light at this intersection of 301.

PUBLIC COMMENT AND CORRESPONDENCE:

July 12, 2018 Planning Commission

Public Comments:

Peter Newcombe, adjacent property owner, stated his concerns regarding flooding – the subject floods a lot, wetlands in area – since the approval of Harrison Ranch and Ancient Oaks flooding has gotten worse, and due to elevations of this project it will be creating other properties to be a retention pond and this is unacceptable.

Judy Carr, discussed proposed pedestrian access, stated that the school board should be present at hearing, discussed the required sidewalk along Erie Ct., which is a narrow road and has barbed wire fencing near the roadway – there is no room for the sidewalk to go as there is not enough room for 2 cars to pass by at the same time on Erie Ct., concerned about safety and wellbeing of the children having to walk 1/4 mile – this is not a safe environment for kids with or without sidewalks.

Alvin Carr, concerned about the 8 inch water main run along Erie Ct. and attached to 16 inch water main on Erie Road. How will this affect the residents of Erie Court and will they be required to hook up to County water?

Iris McClain, stated her concerns are Erie Ct. has large ponds on either side of it and they have never dried up. The ponds provide water for cattle, raining causes flooding problems on Erie Ct. & Erie Lane. It will be horrible to have school children walking along Erie Ct. She doesn't know where the sidewalk will go as there is not enough room – there is only 30 feet and sidewalks require 42. An emergency vehicle can't turn around on Erie Ct., garbage truck backs down road to pick up their garbage. Erie Ct. is a private road not a public road.

Larry Smith a resident of Erie Lane for 40+ years, stated he built his home high enough and it hasn't flooded but has been close. The flooding has gotten worse since The Ponds has been built. Drainage is important because more building causes more flooding.

Robert Tuff, resident of Erie Lane, stated the area doesn't drain well, the river backs up in this area. This is not a place to put new homes.

Joan Smith, adjacent property owner 40+ years, stated flooding on property is so bad that have canoed on property and down Erie Ct. The flooding has never come in their home but has been onto their carport. She is concerned with the new homes being built their home will flood.

George Johnson, displayed aerials and pictures showing flooding and discussed the flooding in area and on Erie Lane.

Phil Swanson, a State Certified Builder, stated land is on a dirt road that is unpassable, he doesn't know where the sidewalk will go, there are ponds that go all the way to road. He is concerned about flooding in the area and reports are inaccurate. Each time a new subdivision comes in the flooding gets worse. He understands the county growing this is his business but building needs to be done right. Erie Ct. needs to be widened for sidewalk and water main and whose land will be taken for this. He only has 5 acres and if he loses part of his property does he lose his Ag Exemption and how will they be compensated.

Staff discussed location of the sidewalk to be constructed on the subject property not on Erie Ct. and the water main will be constructed in existing right-of-way of Erie Ct.

PROJECT SUMMARY

Case #	PDR-17-17(Z)(P), dts#20170241
PROJECT NAME	The Grove @ Grand Oak Preserve
LAND OWNER(S)	TRB Development The Grove LLC
APPLICANT/AGENT	Matt Morris and Don Neu
PROPOSED USE(S)	83 lots for single-family detached residences
EXISTING ZONING	A (General Agriculture-One dwelling unit per five acres)
CASE MANAGER:	Stephanie Moreland, Senior Planner
STAFF RECOMMENDATION:	Approval

DETAILED DISCUSSION

The site is north of U.S. 301 and Creekside Preserve Subdivision and on the east side of Erie Road, (Parrish). The site is in the North Central Overlay District and required to meet all applicable standards listed in LDC Section 403.12.

Request:

The request seeks approval of a rezone of 31.10± acres to PDR (Planned Development Residential) and approval of a Preliminary Site Plan for 83 lots for single-family detached residences.

The site is in the RES-9 (Residential – Nine dwelling units per acre) Future Land Use Category (FLUC). RES-9 lists suburban or urban residential uses in the range of potential uses for consideration (Manatee County Comprehensive Plan, Policy 2.2.1.13.2). The proposed density of 2.67 dwelling units per acre is significantly below the gross density threshold for the RES-9 FLUC.

The current A (General Agriculture) zoning district allows one dwelling unit per five acres; a potential of 6 lots. A review of the surrounding area indicates that this area is gradually transitioning from agricultural zoned properties to residential lots in adjacent planned development zoning districts. Nearby approved developments have densities ranging from 1.16 to 4.5 dwelling units per acre.

Special Approval is required because a part of the site is adjacent to a perennial stream and in the 25-year floodplain. A stipulation is included further in the staff report requiring that all habitable structures be outside of the calculated post-development 25-year floodplain. A rezone to Planned development zoning is the process necessary to achieve Special Approval.

Planned development zoning provides greater flexibility for the project when establishing appropriate buffers and setbacks to help mitigate potential adverse impacts such as odors from nearby agricultural properties.

The site is in the A, and X Flood Zone Categories (FIRM Panel 12081C0190E, effective March 17, 2014).

The intent of LDC Section 1001.1 is to “provide for adequate access to lots for ingress and egress, emergency vehicle access...”. Primary access to the site is proposed through the adjacent subdivision, Grand Oak Preserve (f.k.a The Ponds) which is currently being constructed. All streets in the proposed subdivision and the adjacent subdivision are public streets. The Preliminary Site Plan shows the internal loop road is proposed to connect 46th Lane East, which connects 46th Street East, a public road in Grand Oak Preserve (f.k.a ‘The Ponds’) subdivision to the east. The internal roadways in the adjacent Grand Oak Preserve subdivision connect 96th Avenue East (public road) which connects US 301. Cross access easements are not required to be established between the two adjacent subdivisions because the roadways are public.



LDC Section 1001.1.C requires a second means of access for more than 100 residential dwelling units. A combined total of lots for both subdivisions is more than 100 lots. Grand Oak Preserve subdivision (f.k.a.) The Ponds [PDR-05-06(Z)(P)] was approved for 97 lots. The proposed request is for 83 lots.

Staff supports the applicant’s request for Specific Approval to allow an alternative design to provide a 50-foot wide Emergency Access (in accordance with LDC Section 1001.1.C.3), for a second means of access (in the northwest corner of the site) proposed to connect Erie Court. Erie Court is a platted substandard (non-maintained by County) public road connecting Erie Road to the west.

Revisions to staff report after Planning Commission are shown in strike-thru and underline format:
~~A pedestrian access for students to walk to the designated school bus stops along Erie Court and Erie Road is also proposed in the northwest corner of the site adjacent to the emergency access location.~~

The School District has gathered additional information regarding Erie Court and does not currently consider Erie Ct. a safe route for students to walk to a bus stop. Based on this additional information, the School District requests a stipulation (be part of the development approval) to allow a five-foot wide sidewalk to be constructed in the emergency access easement that connects from 91st Terrace to Erie Court. This sidewalk connection from 91st Terrace to Erie Court will only be made after Erie Court is improved to Manatee County public road standards, including a sidewalk.

The development is not located within the two-mile walking radius of an existing school. At this time, the School District intends to utilize 96th Ave. E. and 42nd St. E. as student pickup and drop off for the development. An alternative/additional bus stop will be at the intersection of Erie Road and Erie Ct. when and if Erie Ct. is improved pursuant to the stipulation requested above. (School District comment letter – dated 7/17/18)

Manatee County Transportation Planning Division reviewed and evaluated a Traffic Impact Analysis (TIA) for this project. The results of the TIA indicate U.S. 301 is the *first impacted* thoroughfare and the only thoroughfare roadway in the study impact area. Transportation Planning accepted the TIA and agrees with the finding that there are no significant and adverse impacts related to the proposed development’s estimated traffic. The TIA did not identify any project related improvements.

There are no jurisdictional wetlands on-site.

There are 2.98± acres designated for recreational amenities such as playground, picnic tables and trash receptacles.

Schools servicing this site are Virgil Mills Elementary, Buffalo Creek Middle and Palmetto High.

Staff recommends approval with stipulations.

SITE CHARACTERISTICS AND SURROUNDING AREA

GENERAL LOCATION	Approximately one half (½) mile north of U.S 301 and one third (1/3) mile east of Erie Road.
ACREAGE	31.10± acres
EXISTING USE(S)	Vacant
FUTURE LAND USE CATEGORIES	RES-9 (Residential - Nine dwelling units per acre)
GROSS DENSITY	2.67 dwelling units per acre
NET DENSITY	2.91 dwelling units per acre
SPECIAL APPROVAL(S)	<ol style="list-style-type: none"> 1. Project adjacent to a perennial stream 2. Project in the 25-year floodplain
SPECIFIC APPROVAL(S)	LDC Section 1001.1.C. (allow emergency access as second means of access)
OVERLAY DISTRICTS:	North Central Overlay District

SURROUNDING USES & ZONING

NORTH	Single-family residences zoned A, A-1 and single-family residences in Ancient Oaks Subdivision zoned PDR.
SOUTH	Single family residences zoned PDR
EAST	Single-family residences in Harrison Ranch zoned PDMU (Planned Development Mixed Use), and Grand Oak Preserve (f.k.a The Ponds) zoned PDR
WEST	Single-family residences zoned A and A-1 (Suburban Agriculture -one dwelling unit per acre); Further west across Erie Road are single-family detached residences (Whitney Meadows Subdivision) zoned PDR.

SITE DESIGN DETAILS

LOT SIZE (minimum)	6,000 square feet
SETBACKS (minimum)	Front 25'/20' Side 5' Rear 15' Wetland Buffer 15' Waterfront 30'
OPEN SPACE	Required: 25% (7.77± acres): Provided: 32% (9.97± acres)
ACCESS	Emergency access to Erie Court Internal road connects public road in Grand Oak Preserve (f.k.a. 'The Ponds') subdivision to the east
PARKING MINIMUMS	2 spaces per single-family residence
HURRICANE EVACUATION ZONE	Not in an Evacuation Zone Level
FLOOD ZONE(S)	X, and A per FIRM Panels 12081C0190E and effective 3/17/2014. Developer to establish BFE in Zone A
AREA OF KNOWN FLOODING	Yes (Rainfall)
UTILITY CONNECTIONS	County water and sewer

ENVIRONMENTAL INFORMATION

Overall Wetland Acreage	None
<p><u>Wetlands:</u></p> <p>According to the environmental narrative dated April 2017 and provided by ECO Consultants there are no jurisdictional wetlands on-site.</p> <p><u>Uplands:</u></p> <p>According to the environmental narrative there is no native upland habitat on-site.</p> <p><u>Endangered Species:</u></p> <p>According to the environmental narrative there were no signs of protected or listed species on-site. Staff has provided a stipulation to require an updated listed specie study prior to Final Site Plan and Construction Plan approval.</p> <p><u>Trees</u></p> <p>No information at this time.</p> <p><u>Landscaping/Buffers:</u></p>	

The preliminary landscape sheet shows the required 20' wide greenbelt buffers along all boundaries of the project area. The project does not abut any existing public rights-of-way, as it takes access through the existing Ponds development to the east. There is also information on street trees indicating there will be one tree per lot per frontage.

NEARBY APPROVED DEVELOPMENT

PROJECT	LOTS / UNITS	DENSITY (Du/acre)	Minimum Lot Size (sq. ft.)	APPROVED
Ancient Oaks	246 lots	1.17	10,228	2002-2004
Beck Estates	98 lots	4.5	7,000	1955
Creekside Preserve	48 lots	1.05	7,200	2005
Creekside Preserve II	176 lots	1.91	6,585	2006
Coventry Park	170 lots	1.62	4,600 (single-family detached) 4,025 (semi-detached)	2017
Harrison Ranch	1109 lots	1.16	6,655	2006
The Ponds	96	1.88	6,440	2006
Thousand Oaks	92	4.32	7,125	1986-1988
Whitney Meadows	90 lots	2.33	7,590	2002
Woodlawn Lakes	136 lots;	0.50	11,400	1980-1984

COMPLIANCE WITH LDC

Standard(s) Required	Design Proposal	Compliance		
		Y	N	
BUFFERS				
No roadway buffers required	N/A	Y		Not applicable (No roadway)
20' perimeter buffer	20'	Y		Shown
SIDEWALKS				
5' internal	Shown	Y		Sidewalks shown on both sides of internal roadways.
ROADS & RIGHTS-OF-WAY				
50' wide internal rights of way	50'	Y		Shown
24' wide paved roadways	24'	Y		Shown
DRAINAGE/FLOODING				
Finished Flood Elevation	21 inches above crown of road ft. above 100-year flood elevation	Y		
ENVIRONMENTAL ISSUES				
Exotic species removal		Y		To be verified with FSP
25% or 7.75± acres Open Space required	32% or 9.95 ± acres provided	Y		

TRANSPORTATION

Major Transportation Facilities

The site is located north of U.S. 301 and east of Erie Road. U.S. 301 is a FDOT facility and designated as a six-lane arterial roadway with a planned right-of-way of 150 feet in the Comprehensive Plan’s Future Traffic Circulation Plan. Erie Road is designated as a four-lane collector roadway and has a planned right-of-way width of 120 feet.

Transportation Concurrency

Transportation concurrency was evaluated as part of the review of this project. The applicant submitted The Grove at Grand Oak Preserve Traffic Impact Analysis (TIA) (Kimley-Horn & Associates, Inc., April 2018, attached) which reports the results of an evaluation of the proposed development’s traffic impacts. U.S. 301 is the *first impacted* thoroughfare and the only thoroughfare roadway in the study impact area. The study, which was reviewed and accepted by the Transportation Planning Division, concludes with the finding that there are no significant and adverse impacts related to the proposed development’s estimated traffic (see Certificate of Level of Service (CLOS) Compliance table below).

Access

In conjunction with transportation concurrency, a review of access issues was undertaken by County staff. Access to the site will be provided via 96th Avenue East to U.S. 301. The TIA did not identify any project related improvements.

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

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

NEAREST THOROUGHFARE	LINK(S)	ADOPTED LEVEL OF SERVICE (LOS)	FUTURE LEVEL OF SERVICE (W/PROJECT)
U.S. 301	3410	D	C

OTHER CONCURRENCY COMPONENTS

Solid waste landfill capacity, and preliminary drainage intent have been reviewed with the Preliminary Site Plan. Potable water, waste water, and school facilities will be reviewed at the time of Final Site Plan.

POSITIVE ASPECTS

- Adequate open space is provided.
- The nearby area is transitioning from agricultural uses to single-family residential development.
- This rezone may be considered a logical expansion of PDR zoning to the east and south.
- The proposed density is significantly less than the maximum potential density permitted in the RES-9 FLUC.

NEGATIVE ASPECTS

- Vehicular access to Erie Court is limited to an emergency access.
- Approximately 87% of the lots are within the 25-year floodplain.

MITIGATING MEASURES

- Pedestrian access is provided to connect Erie Court to allow potential students access to the school bus stop.
- All lots will be outside of the post-development 25-year floodplain. This project is required to reduce the allowable pre-development rate of discharge by 50% for Slaughter Drain Watershed.

**REMAINING ISSUES OF CONCERN
(NOT RESOLVED OR CONDITIONED WITH RECOMMENDATION OF APPROVAL)**

No remaining issues.

SPECIAL APPROVALS – ANALYSES, RECOMMENDATIONS, FINDINGS

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 an option for appeal to the BOCC.

- 1) Manatee County Comprehensive Plan, Policy 3.2.2.1 requires Special Approval because the site is adjacent to a perennial stream (Slaughter Canal). The design of the project avoids impacts to the stream. There are no adverse impacts from the proposed stormwater ponds which are designed to retain runoff from the development.

The planned development process allows the Board of County Commissioners to approve stipulations to address any specific issues related to the development’s proximity to the perennial stream.

FINDING FOR SPECIAL APPROVAL FOR A PROJECT ADJACENT TO A PERENNIAL STREAM

The Board finds that the purpose of the Special Approval regulation is satisfied by the analysis provided in the staff report and proposed design which indicates the proposed design will have no significant detrimental impacts on natural resources, adjacent land uses, and public facilities.

- 2) Manatee County Comprehensive Plan Policy 2.3.3.4 prohibits habitable structures and major public and private investment within the 25-year flood plain except for projects which obtain Special Approval.

The applicant proposes to address impacts within the county 25-year floodplain delineation with compensatory 25-year floodplain storage. Staff recommends a stipulation requiring all habitable structures be outside of the calculated post-development 25-year floodplain and shown on future Final Site Plan and Construction Plan. This project is required to reduce the allowable pre-development rate of discharge by 50% for Slaughter Drain Watershed.

FINDING FOR SPECIAL APPROVAL FOR A PROJECT IN THE 25-YEAR FLOODWAY

The Board finds that the purpose of the Special Approval regulation is satisfied by the analysis provided in the staff report and proposed design which indicates that all lots will be outside of the post-development 25-year floodplain. The site has been modeled using Stormwater Management Best Practices techniques to demonstrate minimization of any flooding hazards.

SPECIFIC APPROVAL - ANALYSES, RECOMMENDATIONS, FINDINGS

Request:

LDC Section 1001.1.C requires a second means of access for residential developments or parts of phases thereof containing more than one hundred (100) residential units. In accordance with LDC Section 1001.1.C.3, the applicant requests specific approval to allow an emergency access to Erie Court as a second means of access.

Staff Analysis and Recommendation:

Section 1001.1.C.3 states that the Board may consider an alternative design for the construction of the secondary means of access where specific design incorporates security elements for a residential planned development and provides satisfactory ingress by emergency vehicles, the right-of-way design for width and radii are adhered to, the design meets the appropriate utilities and drainage requirements, and the area above the ground surface shall remain free and unobstructed to allow ready access by emergency vehicles to the planned development. The proposed emergency access will consist of a stabilized base to allow access for emergency vehicles. The proposed access will be gated for use by emergency vehicles only. Staff has determined the request is consistent with the provisions identified above.

At the request of residents living on Erie Court, full access will not be provided to this proposed development via Erie Court. Erie Court is a platted right-of-way as shown on Tamiami Farms Subdivision (Plat Book 5, Page 9). ~~However,~~ The platted right-of-way is treated as non-maintained right-of-way and subsequently maintained by the residents of Erie Court pursuant to O.R. Book 1043, Page 2015. Therefore, no improvements (except for installation of a water main) are proposed to Erie Court with this development.

~~The proposed point of emergency access will also provide pedestrian access to a bus stop at the intersection of Erie Road and Erie Court as requested by the Manatee County School Board. The School District has gathered additional information regarding Erie Court and does not currently consider Erie Ct. a safe route for students to walk to a bus stop. Based on this additional information, the School District requests a stipulation (be part of the development approval) to allow a five-foot wide sidewalk to be constructed in the emergency access easement that connects from 91st Terrace to Erie Court. This sidewalk connection from 91st Terrace to Erie Court will only be made after Erie Court is improved to Manatee County public road standards, including a sidewalk.~~

~~The development is not located within the two-mile walking radius of an existing school. At this time, the School District intends to utilize 96th Ave. E. and 42nd St. E. as student pickup and drop off for the development. An alternative/additional bus stop will be at the intersection of Erie Road and Erie Ct. when and if Erie Ct. is improved pursuant to the stipulation requested above. (School District comment letter – dated 7/17/18).~~

In addition, a proposed underground water main will run down the emergency access and Erie Court to an existing water main on Erie Road to provide circulation within the water system.

The primary means of full access for this proposed development will be through Grand Oak Preserve via 46th Lane East and 46th Court East to 96th Avenue East which connects U.S. 301.

Finding for Specific Approval:

Notwithstanding the failure of this plan to comply with the requirements of LDC Section 1001.1.C, the Board finds that the purpose of the LDC regulation is satisfied to an equivalent degree by the proposed design because an alternative design providing a secondary means of access through an emergency access connection to Erie Court is provided.

**COMPLIANCE WITH THE LAND DEVELOPMENT CODE
Review Criteria for Zoning Map Amendments (Section 342.3)**

A. Compatibility with the existing development pattern and the zoning of nearby properties.

A rezone to PDR is compatible with existing development patterns and zoning of nearby properties. The current zoning of the site is A (General Agriculture –One dwelling unit per five acres). To the north and south, the site is adjacent to property zoned A. To the east is Grand Oak Preserve subdivision (f.k.a The Ponds), zoned PDR. Harrison Ranch Subdivision is to the northeast and zoned PDMU (Planned Development Mixed Use). The southwest tip of the site is adjacent to an existing subdivision (Creekside Preserve) zoned PDR.

B. Changes in land use or conditions upon which the original zoning designation was based.

This area of the County has gradually been transitioning from agricultural to residential zoning districts.

C. Consistency with the current Comprehensive Plan.

The site is designated RES-9 (Residential – Nine dwelling units per acre) on the Future Land Use Maps. Suburban or urban residential uses are listed in the range of potential uses for consideration. The proposed rezone to PDR zoning district is consistent with the RES-9 FLUC.

D. Conflicts with existing or planned public improvements.

There are no known conflicts with existing or planned public improvements.

E. Availability of public facilities, based upon a consideration of the following factors:

1. The applicant submitted a Traffic Impact Analysis (TIA) prepared by Kjmley-Horn and Associates, Inc., for the project that was based on rezoning 31± acres for 83 single-family dwelling units with a Preliminary Site Plan (PSP). The project is estimated to generate 1,012 daily trips and 101 pm peak-hour trips at build-out.
2. **Impact on population density or development intensity such that the demand for schools, sewers, streets, recreational areas and facilities, and other public facilities and services are adversely affected.**

Due to the limited capacity of lift station #546, the only viable option is for this development to connect to the future 6-inch force main as shown in the Manatee County Master Plan. Coordination with Manatee County Utility Engineering Staff regarding future construction of Capital Improvement Projects (CIPs) discussed in the Manatee County Master Plan shall be discussed prior to the submittal of a Final Site Plan and Construction Plans for this proposed development.

Manatee County Utility Engineering Staff has requested that an 8-inch potable water main be installed along Erie Court and connection to the existing 16-inch water main on Erie Road to enhance fire flow capacity and provide a looped water system to prevent water quality problems.

With respect to Transportation facilities, the project will impact sections of U.S. 301, Erie Road, and 96th Avenue East. Based on the Traffic Impact Analysis, there are no off-site significant and adverse impacts attributable to project related traffic.

Schools servicing the site are Virgil Mills Elementary, Buffalo Middle and Palmetto High.

The site will connect to County water and sewer.

3. **Impact on public facilities planned and funded to support any change in density or intensity pursuant to the requirements of the comprehensive plan and applicable law.**

See E.2 above for utility section information.

With respect to Transportation facilities, there are no project-related, off-site capacity improvements required.

F. Health, safety or welfare of the neighborhood and County.

The proposed rezone should not adversely affect the health, safety or welfare of the neighborhood and County.

G. Conformance with all applicable requirements of this Code.

The proposed zoning amendment is in conformance with applicable requirements of the Land Development Code. The proposed Preliminary Site Plan is consistent with applicable Planned Development standards in LDC Section 402.7 and the North Central Overlay standards in LDC 403.12.

H. Consistency with the development patterns in the area and appropriateness for orderly development of the community. The cost of land or other economic considerations pertaining to the applicant shall not be a consideration in reviewing the request.

Given the site is in an area which is predominately residential, the request to rezone to PDR is considered consistent with development patterns in the area. Planned development is appropriate for orderly development of the community.

I. Logical expansion of adjacent zoning districts.

The rezone is considered a logical expansion of PDR and PDMU zoning districts surrounding the site.

J. Impact on historic Resources.

There are no known archaeological sites associated with this property.

K. Environmental Impacts.

According to the environmental narrative provided by ECO Consultants, there are no jurisdictional wetlands on-site.

L. Types of allowable uses and impact of those on surrounding residential areas.

The project proposes 83 single-family detached residences on 31.10± acres. Screening buffers will be provided in accordance with applicable regulations in the Land Development Code.

M. Relocation of mobile home owners, if applicable, within the meaning of, and pursuant to F.S. §723.083.

N/A

N. In the case of rezones to Planned Development, consistency with the Planned Development District standards contained in Chapter 4.

The rezone to PDR zoning district is consistent with the standards contained in LDC Section 4.

O. Any other matters which may be appropriate for consideration pursuant to this Code, the comprehensive plan or applicable law.

N/A

**COMPLIANCE WITH THE LAND DEVELOPMENT CODE
Factors for Reviewing Proposed Site Plans (Section 402.6)**

Physical Characteristics:

The site is north of U.S.301, east of Erie Road and west of 96th Avenue East in Parrish. The 31.10± acre site is comprised of Lots 37, 38, 41, 43, and 44 (consisting of 5.1 ± acres) of the Tamiami Farms Subdivision. Erie Court, a 30-foot right-of-way, abuts the northern boundary of Lots 41 through 44.

There is a perennial stream (Slaughter Drain) which traverses the site from north to south. The site is within the boundaries of the North Central Overlay District (NC) and subject to applicable requirements in LDC Section 403.12. There are no wetlands on the site.

The site lies in Flood Zones X and A per FIRM Panel 12081C0190E, effective 3/17/2014. Zone A appears contiguous to Lots 27-33 in the existing ditch. The site is in the 25-year floodplain. Special Approval is required for a project in the 25-year floodplain.

Public Utilities, Facilities and Services:

The site will connect to County water and sewer. The following water and wastewater facilities are in the vicinity of the proposed project:

There is a 6" potable water main which increases to 8" PVC along 96th Avenue East. The 8" PVC potable water main connects to a 20" potable water main along U.S. 301.

According to the Manatee County GIS, the closest sanitary gravity sewer is a 24" PVC sewer along U.S. 301.

There is no public reclaimed water main near the proposed development.

Schools:

The site is in School Service Area One. Schools servicing the site are Virgil Mills Elementary, Buffalo Creek Middle and Palmetto High.

Compatibility:

The proposed project is compatible and consistent with uses in the surrounding area. The north, south and west boundaries of the site are adjacent to agriculturally zoned properties consisting of a minimum of five-acre parcels in the Tamiami Farms Subdivision. The northeast corner of the site is adjacent to a part of the Harrison Ranch Subdivision to the northeast. Grand Oak Preserve subdivision (f.k.a. The Ponds Subdivision-pending final plat approval) and Beck Estates are to the east. Creekside Preserve is further to the south and west. To the west, across Erie Road, is Whitney Meadows, Woodlawn Lakes, and Thousand Oaks subdivisions.

Transitions:

The site is in an area which is transitioning from suburban agricultural uses to residential developments since 1955. Timing of the request appears appropriate with growing residential trends in the area.

Design Quality:

The proposed residential project consists of 83 lots for single-family detached residences. The lots are designed around the existing perennial stream (Slaughter Drain) and proposed stormwater retention ponds. According to the applicant, the lots are planned to be Phase II of The Grand Oak Preserve subdivision, (f.k.a The Ponds).

Yards and Setbacks:

The following chart indicates minimum proposed setbacks for the project:

Use/Type	Front	Side	Rear	Minimum lot size
Single-family detached	25'/20'	5'	15'	6,000 sf
Waterfront	30'			
Wetland Buffer	15'			

sf- square feet

Streets, Drives, Parking and Service Areas:

The northwestern part of the site abuts Erie Court but the site has no frontage along 96th Ave East. The Preliminary design shows the proposed lots are planned adjacent to 50-foot wide internal roadways with 24-foot pavement widths. The proposed internal roadways are shown to be public and will connect 96th Avenue East via 46th Court East and 46th Lane East. 96th Avenue East connects U.S. 301, all public roadways.

Pedestrian Systems:

The site is not within two miles of a school. The Preliminary Site Plan shows five-foot wide sidewalks on both sides of the proposed internal roadways. The Preliminary Site Plan shows the pedestrian access to Erie Court (requested by School Board) to allow potential students access to a potential bus stop on Erie Road and Erie Court.

Natural and Historic Features, Conservation and Preservation Areas:

There are no known historic or archaeological resources on the site. The project proposes a maximum of 32% (9.97± acres) open space, 25% (7.78± acres) is required.

Density:

A gross density of 2.67 dwelling units per acre meets the threshold guidelines (nine dwelling units per acre) of the RES-9 FLUC.

Height:

The proposed maximum 35-foot height should not create any external impacts that would adversely affect the surrounding development.

Fences and Screening:

The Preliminary Site Plan shows no proposed fencing in the perimeter buffers. 20-foot wide perimeter buffers are proposed along the north, south and east boundaries. A 35-foot wide drainage easement including a 10 foot-wide area for landscaping is proposed along the westernmost boundary.

Signs:

Signs will be reviewed with future building permits.

Trash and Utility Plant Screens:

Single-family residences will be served by individual can pick-up to be reviewed with the future Final Site Plan.

**COMPLIANCE WITH PDR – PLANNED DEVELOPMENT RESIDENTIAL
(LDC Section 402.7)**

The proposed use of single-family detached residences is permitted in the PDR zoning district. A proposed density of 2.67 dwelling units per acre is consistent with the RES-9 density requirements. 20-foot wide landscaped buffers are proposed along the district boundaries. Open space provided (32%) exceeds the minimum required open space of 25%.

The preliminary site plan shows the proposed subdivision has 83 lots which are designed around stormwater ponds and a perennial stream. The lots have vehicular access to public internal roadways which are planned to connect public roadways in the adjacent subdivision (f.k.a “The Ponds”).

The typical lot size proposed is 6,000 square feet. Maximum building height is 35 feet. Specific setbacks are mentioned earlier in the staff report.

**COMPLIANCE WITH NORTH CENTRAL OVERLAY DISTRICT (NC)
(LDC Section 403.12)**

The site is within the boundaries of the North Central Overlay District. The required 20-foot wide greenbelt buffers are shown on the Preliminary Site Plan. No roadway buffers are proposed because the site has no frontage on 96th Avenue East. Landscaping is planned to be in accordance with landscaping requirements of the North Central Overlay District.

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 by residential uses.

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

1) Policy 2.2.1.13.1 Intent: The site is intended for a low-moderate urban, or clustered moderate density urban residential environment.

Policy 2.2.1.13.2 Range of Potential Uses: Suburban or urban residential uses are listed in the range of potential uses.

Policy 2.2.1.13.3 Range of Potential Density: RES-9 allows a maximum gross density of nine (9) dwelling units per acre. A gross density of 2.67 dwelling units per acre is proposed.

Policy 2.6.1.1 Compatibility: PDR developments can be designed to permit development consistent with the growing residential trends in the area. In addition, PDR allows the Board to attach stipulations to ensure the project is compatible with the surrounding uses.

STAFF RECOMMENDED STIPULATIONS

A. DESIGN AND LAND USE CONDITIONS:

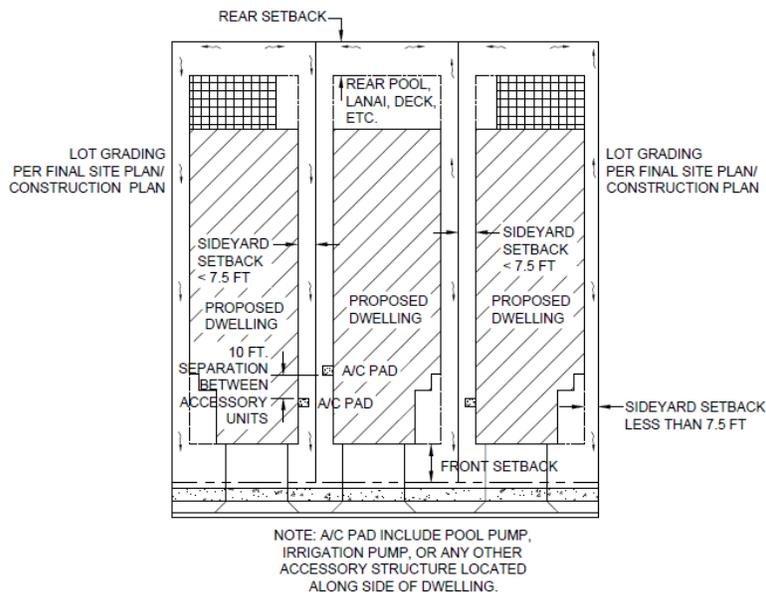
1. All other applicable state or federal permits shall be obtained before commencement of the development.
2. The Notice to Buyers shall be included in the Declaration of Covenants and Restrictions, and in a separate addendum to the sales contract and in the Final Site Plan shall include language to 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. ENVIRONMENTAL CONDITIONS:

1. The developer shall provide an updated study, consistent with Policy 3.3.2.1 of the Comprehensive Plan, for threatened and endangered plant and animal species prior to Final Site Plan approval. The Management Plan approved by the State shall be submitted prior to the commencement of development for any listed species found on site.
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 LDC Section 355.
3. 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.
4. 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. Any fill within the 25-year or 100-year floodplains of the Slaughter Drain shall be compensated by the creation of an equal or greater storage volume above seasonal high water table. 25-year and 100-year floodplain compensation shall be compensated in sole use compensation areas, not dual use facilities (i.e., stormwater attenuation and floodplain compensation).
2. 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 Slaughter Drain watershed. Modeling shall be used to determine pre- and post- development flows.
3. A Drainage Easement shall be dedicated to Manatee County and be shown on the Final Site Plan and Final Plat along Slaughter Drain and tributary drainage systems within the project boundaries. In addition, Drainage-Maintenance Access Easement shall be provided from the top of bank of Slaughter Drain and tributary system. Manatee County is only responsible for maintaining the free flow of drainage through these systems.
4. Ten (10) feet separation shall be provided between accessory structures (i.e. Heat Pumps, A/C Handlers, pool pumps, etc.) along the side yards of properties with 5 feet side yard setback.



5. All habitable structures shall be located outside of the calculated post-development 25-year floodplain. The calculated post-development 25-year floodplain shall to be shown on the Final Site Plan and Construction Plan submittals.

D. INFRASTRUCTURE CONDITIONS:

1. Construction traffic shall be prohibited from utilizing Erie Court for ingress and egress from the project. Construction traffic shall utilize the eastern entrance to the subdivision, through Grand Oak Preserve (f.k.a 'The Ponds') for ingress and egress to the site.

E. UTILITIES CONDITIONS:

1. Connection to the County potable water and wastewater systems 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 appropriate County 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.

F. SCHOOL BOARD DISTRICT CONDITION:

1. A five-foot wide sidewalk may be constructed in the emergency access easement that connects from 91st Terrace to Erie Court. This sidewalk connection from 91st Terrace to Erie Court will only be made after Erie Court is improved to Manatee County public road standards, including a sidewalk.

ATTACHMENTS

- 1) Applicable Comprehensive Plan Policies
- 2) Maps/Aerials
- 3) Preliminary Site Plan
- 4) Traffic Impact Analysis
- 5) School Report – REVISED
- 6) Letters requesting Special Approval Request (2)

- 7) Letter requesting Specific Approval**
- 8) Zoning Disclosure Affidavit**
- 9) Recorded Contribution Maintenance of Road**
- 10) Exhibit of 100-yr Floodplain**
- 11) Exhibit of 25-yr Floodplain**
- 12) Newspaper Advertising**
- 13) Ordinance PDR-17-17(Z)(P)**
- 14) Public Comments**

Policy 2.2.1.13.3.

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.

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: 2.3.3.1

Prohibit any new development (except redevelopment) within the floodway of any perennial stream, except for water-dependent uses and except for projects which generally would not result in an increase in flood levels in the community during the occurrence of the base one hundred (100) year flood discharge. [see Policy 21.3.1.2]

Policy: 2.3.3.4

Prohibit habitable structures and major public and private investment within the 25-year flood plain except for projects which obtain a Special Approval. This policy shall not preclude the development of water-dependent uses, water-related and water-enhanced uses, stormwater management structures, non-habitable structures, and passive recreational uses where appropriate. Any such development shall:

- i. Minimize impervious surface in the 25-year floodplain;
- ii. Cluster structures and uses outside of the 25-year floodplain, whenever possible (see Policy 2.3.1.2) and
- iii. Protect perennial lakes and streams by encouraging the dedication of conservation easements not subject to any land alteration within the 25-year floodplain.

This policy applies only for the purposes of reviewing projects for which mapping of the 25-year floodplain has been accomplished, or where interpolation or use of an existing water surface profile for the watercourse(s) permits the identification of the 25-year flood elevation.

Policy: 2.6.1.1

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

- use of undisturbed or undeveloped and landscaped buffers
- use of increased size and opacity of screening
- increased setbacks
- innovative site design (which may include planned development review)
- appropriate building design
- limits on duration/operation of uses
- noise attenuation techniques
- limits on density and/or intensity [see policy 2.6.1.3]

Policy: 2.6.1.2

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: 2.6.1.3	Require appropriate limits on net residential density to achieve compatibility between adjacent residential land uses. Limits on net density may reduce net density on a project, or part thereof, into less than the maximum net density associated with the future land use category or categories on the project site (see also policy 2.6.1.1).
Policy: 2.9.1.3	Provide vehicular access between neighborhoods, particularly (but not exclusively) when part of a planned unit development containing more than one neighborhood.
Policy: 2.9.1.4	Encourage the development of a variety of housing options and architectural styles within a community. (See also Obj. 6.1.1)
Policy: 2.9.1.5	Promote the development of pedestrian friendly designs.
Policy: 2.9.1.6	Promote the use of unifying design elements and features.
Policy: 2.9.1.7	Encourage the development of community spaces, including usable open space and public access to water features.
Policy: 2.9.1.8	Encourage the design of residential projects providing continuous green space connecting neighborhoods.
Policy: 2.9.1.9	Require where feasible, pedestrian and bicycle access to community spaces, schools, recreational facilities, adjacent neighborhoods, employment opportunities, professional and commercial uses. (See also Obj. 3.3.3)
Policy 3.2.2.1	Require all projects that are adjacent to any perennial lake or stream, as reflected in the Manatee County Soil Survey, obtain special approval to ensure that project impacts on these waterbodies are identified and minimized [See Policy 2.3.1.2]
Policy: 7.1.3.1	Require that all land development applications requiring site plan, or subdivision plat review address the occurrence or potential occurrence of historical and archaeological resources within their property boundaries.