

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

**PDC-17-32(P) - RETAIL @ SR 64 & UPPER MANATEE RIVER ROAD**  
**(DTS #20170682)**

An Ordinance of the Board of County Commissioners of Manatee County, Florida, regarding land development, approving a Preliminary Site Plan for a ±4,540 square foot commercial facility (2,140 square foot restaurant with drive-thru, and 2,400 square foot retail area); the ±1.23 acres site is zoned PDC (Planned Development Commercial), within the UF-3 (Urban Fringe – 3) Future Land Use Category, and located at the northeast corner of Upper Manatee River Road and SR 64, approximately 250 feet east of Upper Manatee River Road on the north side of SR 64, Bradenton (Manatee County); approving a Schedule of Uses, as voluntarily proffered by the applicant and attached as Exhibit “B”; subject to stipulations as conditions of approval; setting forth findings; providing a legal description; providing for severability, and providing an effective date.

**P.C.:** 07/12/2018

**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 **APPROVE** the Preliminary Site Plan with Stipulations A.1-A.8, B.1, C.1-C.3, and D.1-D.6; **GRANT** Special Approval for: 1) a project adjacent to perennial stream, and 2) project within the County 25-year floodplain; **ADOPT** the Findings for Specific Approval; and **GRANT** Specific Approval of alternatives to the Land Development Code Sections 1006.8.A (Allow a reduction of the loading space dimensions), and 701.3.B.3.b (Eliminate the required 15 feet wide perimeter buffer along north boundary), as recommended by the Planning Commission.

(Commissioner Trace)

**PLANNING COMMISSION ACTION:**

On July 12, 2018, by a vote of 5 – 1, the Planning Commission recommended approval. One seat was vacant. Mr. Roth voted nay stating originally the site was supposed to be a bank; a fast food restaurant will create more traffic and this needs to be addressed.

**PUBLIC COMMENT AND CORRESPONDENCE:**

July 12, 2018 Planning Commission

Public Comment

Howard Duff, adjacent property owner, is concerned about the following:

- drainage issues on their property
- traffic – they can’t exit their subdivision onto Upper Manatee River Road at rush hour due to the Ft. Hamer Bridge; the restaurant will make this worse; and
- there have been past issues with rodents and this may increase.

He also stated that a fast food restaurant is not needed in this area; there are plenty of other places to go.

A revised motion, additional Specific Approval and an additional Stipulation were entered into the record and have been incorporated in this report.

<b>PROJECT SUMMARY</b>	
<b>CASE#</b>	PDC-17-32(P) [related to PDC-05-57(P)] (DTS #20170682)
<b>PROJECT NAME</b>	Retail @ SR 64 & Upper Manatee River Road
<b>LAND OWNER</b>	Hupp Retail Upper Manatee, LLC
<b>APPLICANT(S)</b>	Jorge Hernandez, P.E./ Avid Group Robert Schmitt, AICP / LPA, Inc.
<b>PROPOSED ZONING</b>	N/A
<b>EXISTING ZONING</b>	PDC (Planned Development Commercial)
<b>PROPOSED USE(S)</b>	2,140 square foot restaurant with drive-thru, and 2,400 square foot retail area
<b>CASE MANAGER</b>	Rossina Leider, Principal Planner
<b>STAFF RECOMMENDATION</b>	APPROVAL with stipulations

**DETAILED DISCUSSION**

**History:**

- In 07/17/1990, with the adoption of the Land Development Code (LDC), the site was rezoned to PDC (Planned Development Commercial) from A-1 (Suburban Agriculture).
- In 10/02/2008, the Board of County Commissioners approved a Preliminary Site Plan to allow a 16,486 square foot drugstore with drive-thru and a 3,940 square foot bank with drive-thru on a ±2.63-acre site [PDC-05-57(P) - Hupp Retail Upper Manatee, LLC/Walgreen's @ SR 64 & Upper Manatee River Road]. At that time, the BOCC granted Special Approval for a project adjacent to a perennial stream, as well as Specific Approval for an alternative of LDC Section 701.3.A. (f.k.a 715.3.1.d) to allow more than 10 consecutive parking spaces without an interior landscape island.

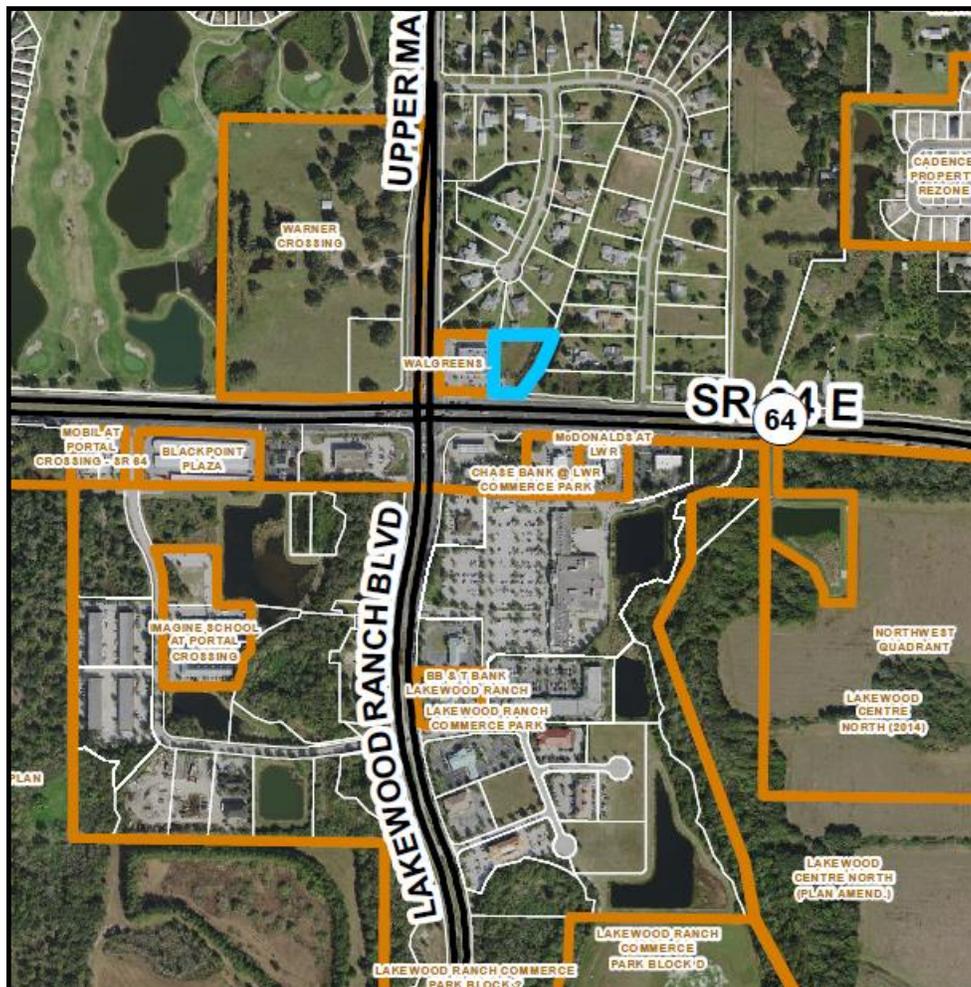
The site plan expired. Only the west building (drugstore) was constructed, and it is currently in operation.

**Request, including Detailed Discussion:**

The request is to approve a Preliminary Site Plan for a 2,140-square foot restaurant with drive-thru, and a 2,400-square foot retail area (a total of 4,540 square foot commercial facility).

The 1.23± acre site is located on the northeast corner of the intersection of SR 64 and Upper Manatee River Road, and is a vacant commercial property zoned PDC (Planned Development Commercial), and within the UF-3 (Urban Fringe - 3) Future Land Use Category (FLUC).

### SITE AERIAL

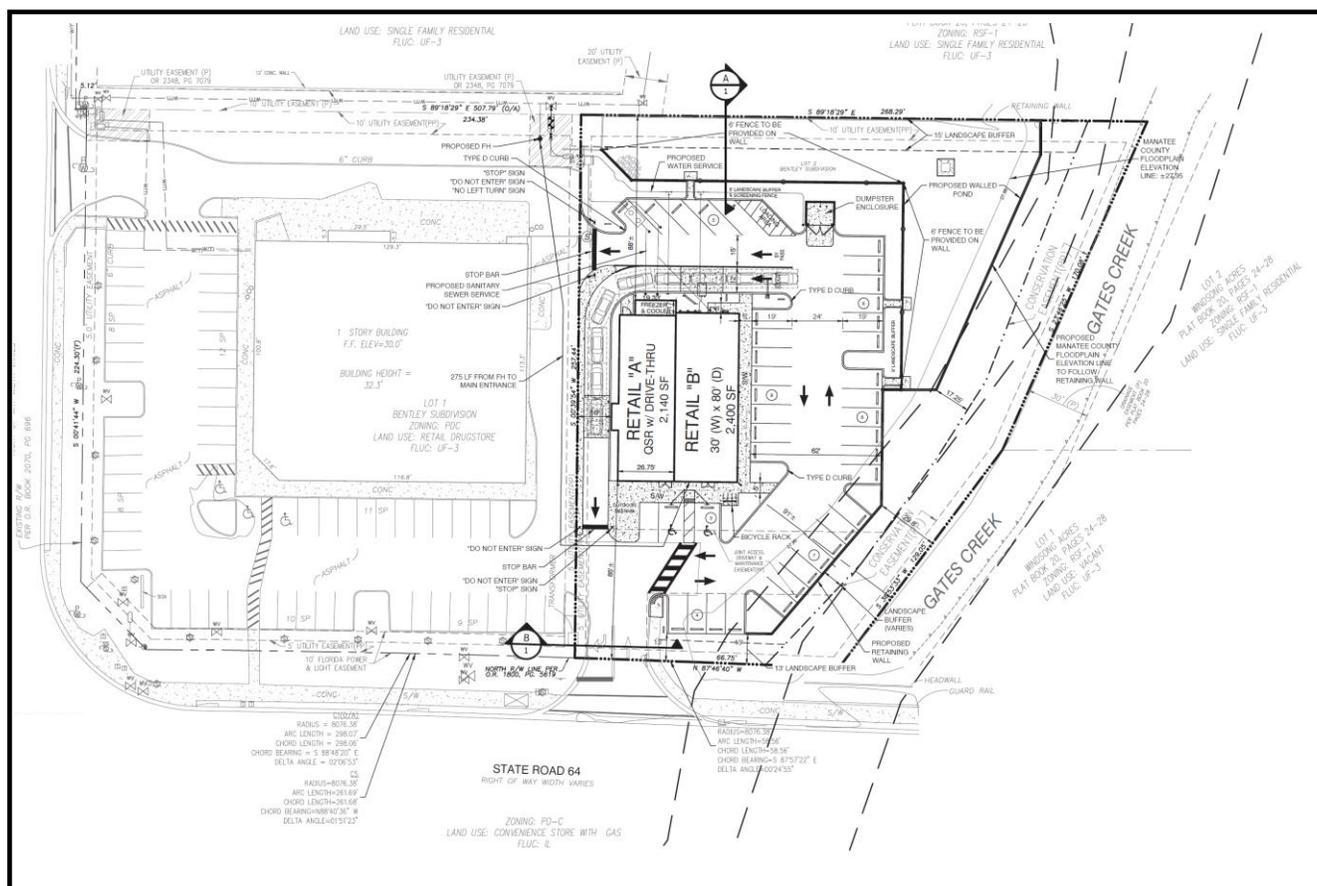


The applicant submitted a site plan consistent with the previous approved site plan, which includes the following:

- One building on the west portion of the site for the location of two commercial businesses as previously mentioned (restaurant with drive-thru and retail area), and a total gross floor area of 4,540 sq. ft. of commercial use area.
- A Floor Area Ratio (FAR) of 0.08 and a maximum building height of 35 feet.
- 39 parking spaces (including 2 handicap spaces) and one (1) bicycle rack (4 spaces) located to the north, south and east of the building. Service zones (loading space, and dumpster) will be north of the building.
- One access point along SR 64 (arterial roadway). There are two internal connections to the adjacent drugstore site to the west.
- Internal driveways (24 feet wide two ways and 15 feet wide one-way) connecting the access point of the project with parking areas, main building, service zones, and adjacent property to the west.
- Existing external sidewalk along SR 64, and interior pedestrian walks to interconnect the proposed structure with the parking areas (5 feet wide minimum).
- Stormwater facility on the north and east portions of the site.
- Adequate buffers, screening, and landscaping:

- Roadway buffer along SR 64 (10 feet wide).
  - Perimeter buffer (minimum 15 feet wide) along to the north boundary and southeast of the parking area, in addition to a conservation easement that runs along the entire east property line). No buffer is required to the west (adjacent to existing commercial site).
  - Vehicle Use Area north and east of the proposed parking area (8 feet wide).
  - Foundation landscaping (91 sq. ft., equivalent to 20 sq. ft. per 1,000 sq. ft. of gross floor area).
- Open space: 51% (0.62 acres) exceeding the minimum requirement for a project in the PDC zoning district (20%).
- The applicant identifies all potential uses, as well as prohibited on site uses (See Attachment “B”).

### PRELIMINARY SITE PLAN



The site is eligible to be considered for commercial development since the UF-3 FLUC lists retail wholesale which function in the marketplace as neighborhood or community serving in the range of potential uses (medium scale – 150,000 sq. ft. and large scale – 300,000 sq. ft. maximum), and it is located within the intersection of two arterial thoroughfares (SR 64 and Upper Manatee River Road) in compliance with the commercial locational criteria requirements (within 1,500 feet of two functionally classified roadways).

The project is subject to the requirements of LDC Section 531.16 – Drive-Through Establishments, which specifically regulates the location of the drive-through facility, relationship with adjacent residential properties (setback and screening), as well as stacking and by-pass lanes (design and width). The proposal complies with listed requirements of the above referenced section of the LDC, including adequate separation and screening from residential properties to the north and east, and adequate design of the stacking and by-pass lanes.

Special Approval is required to be granted by the Board of County Commissioners for a project adjacent to a perennial stream (Gates Creek) and within the County 25-year floodplain per Comprehensive Plan Policies 3.2.2.1 and 2.3.3.4,

respectively. Additionally, the applicant requests Specific Approval for alternatives of the following LDC Sections:

- 1006.8.A to reduce the dimensions of a required loading space, and
- 701.3.B.3.b to eliminate the required 15 feet wide perimeter buffer along north boundary.

Planned Development is the necessary process to achieve Special and Specific Approvals, and PDC zoning provides flexibility for the project to establish appropriate design conditions (buffers, dimensional standards, etc.) and mechanisms to mitigate potential adverse impacts to surrounding properties. Staff supports all requested Special and Specific Approvals.

The proposal complies with all applicable regulations of the LDC except for which Specific Approval has been requested. Staff recommends approval of this request with stipulations.

### SITE CHARACTERISTICS AND SURROUNDING AREA

<b>ADDRESS</b>	Not assigned yet	
<b>GENERAL LOCATION</b>	Generally located at the northeast corner of SR 64 and Upper Manatee River Road, approximately 250 feet east of the Upper Manatee River Road on the north side of SR 64	
<b>ACREAGE</b>	1.23 ± acres	
<b>EXISTING USE(S)</b>	Vacant commercial	
<b>FUTURE LAND USE CATEGORY(S)</b>	UF-3 (Urban Fringe – 3)	
<b>OVERLAY DISTRICT</b>	Not Applicable	
<b>INTENSITY</b>	F.A.R. allowed max. = 0.23 (0.35 for mini-warehouse use only)	F.A.R. proposed = 0.08
<b>SPECIAL APPROVAL(S)</b>	<ul style="list-style-type: none"> <li>• Project adjacent to a perennial stream (Gates Creek) (Policy 3.2.2.1)</li> <li>• Within the County 25-year floodplain (Policy 2.3.3.4)</li> </ul>	
<b>SPECIFIC APPROVAL(S)</b>	<ul style="list-style-type: none"> <li>• LDC Section 1006.8.A – Alternative to allow a reduction of the loading space dimensions</li> <li>• LDC Section 701.3.B.3.b – Alternative to eliminate required 15 feet wide perimeter buffer along north boundary</li> </ul>	

### SURROUNDING USES & ZONING

<b>NORTH and EAST</b>	Single-family residences and vacant residential land at Windsong Acres Subdivision zoned RSF-1 (Residential Single-Family – 1 dwelling unit per acre)
<b>SOUTH (across SR 64)</b>	Retail commercial (Speedway gas station and convenience store) zoned PDC (Planned Development Commercial). Further to the east, there are service commercial and retail uses (Chase Bank and Mc Donald's) zoned PDMU (Planned Development Mixed Use)
<b>WEST</b>	Retail commercial (Walgreens Pharmacy) zoned PDC (Planned Development Commercial). Further west, across Upper Manatee River Road, there is vacant commercial land zoned GC (General Commercial)

### SITE DESIGN DETAILS

<b>SETBACKS (Minimum Required by LDC Section 402.11)</b>	Front	30'
	Side	15'
	Rear	20'

	Wetland Buffer	N/A (no wetlands on site)
<b>SETBACKS (Proposed)</b>	Front	85'
	Side (East)	91'
	Side (West)	16'
	Rear	88'
	Wetland Buffer	N/A (no wetlands on site)
<b>BUILDING HEIGHT</b>	35' (Maximum – one or two floors)	
<b>OPEN SPACE</b>	Required: 20% (0.25 acres)	Proposed: 51% (0.63 acres)
<b>ACCESS</b>	<ul style="list-style-type: none"> <li>• One (1) along SR 64 (existing)</li> <li>• Two driveways connecting the site to adjacent parcel to the west</li> </ul>	
<b>PARKING PROVIDED</b>	<ul style="list-style-type: none"> <li>• 39 spaces (includes 2 handicapped spaces)</li> <li>• 1 loading space</li> </ul>	
<b>FLOOD ZONE(S)</b>	Site lies in Zones "X", "AE", and floodway per FIRM Panel 12081C0331E, effective 3/17/2014. 100-year Base Flood Elevation (B.F.E.) is 24.7 feet NAVD. In addition, the project is partially located within the County 25-year floodplain. This project will be required to provide floodplain mitigation for impacts (fill) within the 25- and 100-year floodplain. A "no-rise" permit is required for impacts (fill) within the FEMA 100-year floodway.	
<b>AREA OF KNOWN FLOODING</b>	The project area is within Gates Creek Watershed. A flow reduction of the allowable pre-development rate of runoff is not required for the design of this project.	
<b>UTILITY CONNECTIONS</b>	<p>The following water and wastewater facilities are in the vicinity of this development project:</p> <p><u>Water:</u> 4" PVC potable water main along the rear (north) lot line of Walgreens.</p> <p><u>Sewer:</u> 8" DIP private sanitary gravity sewer main that discharges into a private pump station along the rear (north) lot line of Walgreens. The private 2" PVC sanitary force main runs to the north and west of the Walgreens and ties into an existing 8-inch DIP force main along SR 64.</p> <p><u>Reclaim:</u> 30" reclaimed water main along SR 64.</p>	
<b>ENVIRONMENTAL INFORMATION</b>		
<b>Overall Wetland Acreage</b>	None	
<b>Proposed Wetland Impacts</b>	None	
<b><u>Wetlands</u></b>	It appears the Gates Creek tributary that runs along the east property boundary was determined to be a jurisdictional wetland and a 30' wetland buffer was required previously, with a conservation easement placed over the buffer and the portion of the stream that falls within the project area. The conservation easement is shown on the Preliminary Site Plan.	

**Uplands**

There appear to be no upland habitats within the project boundary with the exception of the 30' wetland buffer which is already covered by a conservation easement.

**Endangered Species**

No information at this time. Staff will request that the site be checked for possible gopher tortoises by an authorized Gopher Tortoise Agent prior to commencement of any land clearing or construction activities.

**Trees**

No information at this time. There are trees that were planted around the perimeter of the existing stormwater pond that may need to be removed or relocated for the development of the site. Staff will require this be addressed at Final Site Plan.

**Landscaping/Buffers**

South Roadway (SR 64) – 13 feet

East Perimeter – 15 to 20 feet (varies)

West Perimeter – 0 feet

North Perimeter – Specific Approval to eliminate the required 15 feet wide perimeter buffer.

**NEARBY DEVELOPMENT**

**NON-RESIDENTIAL**

<b>PROJECT</b>	<b>SQ. FT.</b>	<b>F.A.R.</b>	<b>FLUC</b>	<b>YEAR APPROVED</b>
Lawrence & Sally Reagan/Plaza East	21,800 commercial center (including restaurant & motor vehicle repair)	0.17	MU	2011
Hide-Away Storage	35,107	0.24	MU	2010
Magnolia Plaza	12,000	0.19	MU	2010
Chase Bank	4,279 bank	0.07	ROR	2010
Walgreens	16,486 retail 3,940 bank	0.16	UF-3	2008
Blackpointe Plaza (f.k.a. Richland Plaza)	18,300 retail & restaurant 4,100 convenience store (3,800 canopy/gas) 1,152 carwash 5,800 bank	0.10	MU	2008
CVS (f.k.a. Eckerds SR 64)	10,657 retail	0.10	MU	2003
Amsouth Bank	3,820 bank	0.05	MU	2003
Lakewood Ranch Commerce Park	2,684,000 mixed use (industrial, commercial, and office)		ROR/IL	2003
Hess	3,480 conv. Store 5,796 canopy/gas pumps	0.10	IL	1999
East Glen (aka Ogles)	15,115 office & daycare	0.12	MU	1999



COMPLIANCE WITH LDC				
Standard(s) Required	Design Standard	Compliance		Comments
		Y	N	
<b>BUFFERS</b>				
10' roadway buffer Front (SR 64)	13'	Y		Shown. Exceeds standard
15' Perimeter buffer – along north property line	15'	Y		Shown. Meets standard
0' Perimeter Buffer – along west property line (adjacent to commercial use)	0'	Y		Meets standard
15' Perimeter Buffer – along east property line	15' to 20' (varies)	Y		Shown. Exceeds standard
8' Vehicular Use Area	8'	Y		Shown. Meets standard
Buffers & Vehicular Use Areas Landscaping	Shown	Y		Meets standards of LDC Section 701
Foundation Landscaping (20 sq. ft. per 1,000 sq. ft. GFA)	20 sq. ft. per 1,000 sq. ft. GFA	Y		Shown. Meets standard
<b>TREES</b>				
Tree removal and replacement	Not required to be shown at PSP			It will be in compliance of LDC Section 700 and provided at FSP
<b>SIDEWALKS</b>				
5' external sidewalks	8' wide sidewalk along SR 64 (existing)	Y		Shown
<b>DRIVEWAYS, ROADS &amp; RIGHTS-OF-WAY</b>				
24' internal driveways (two-way)	24'	Y		Shown. Meets standard
15' internal driveways (one-way)(minimum)	15'	Y		Shown. Meets standard

**TRANSPORTATION**

**Major Transportation Facilities**

The site is located north of SR 64 and east of Upper Manatee River Road. In the Comprehensive Plan's Future Traffic Circulation Plan, SR 64 is designated as a six-lane arterial roadway with a planned right of way width of 200 feet and Upper Manatee River Road is designated as a four-lane arterial roadway with a planned right of way width of 150 feet.

**Transportation Concurrency**

The application includes a proposed Preliminary Site Plan (PSP) but without a request to rezone the property. Development under the proposed PSP is not expected to change the range of potential traffic impacts allowed under the adopted zoning, and the application includes a request for Deferral and Acknowledgment of Eventual Requirement for Concurrency. Therefore, a traffic study was not submitted for this application. When a certificate of level of service compliance is requested at Final Site Plan stage, the Applicant will be required to submit a traffic analysis to identify any off-site concurrency-related mitigation.

**Access**

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 Deferral and Acknowledgment of Eventual Requirement for Concurrency has been filed)**

**TRAFFIC STUDY REQ'D: No**

NEAREST ROADWAY	LINK(S)	ADOPTED LOS	FUTURE LOS (W/PROJECT)
SR 64	3162	D	D
Upper Manatee River Road	3240	D	C

**OTHER CONCURRENCY COMPONENTS**

Solid waste landfill capacity, transportation, potable water, waste water, and preliminary drainage intent will be reviewed at the time of application for concurrency with the Final Site Plan.

**POSITIVE ASPECTS**

- The site is currently zoned for commercial use (PDC).
- The site has frontage and direct access to SR 64, and indirect access to Upper Manatee River Road (classified arterial roadways).
- Commercial development and redevelopment is occurring along this segment of SR 64. Timing appears to be consistent with development trends in the area.
- The site has been zoned commercial since 1990, and part of a commercial subdivision.
- The proposed facility will provide more services to the nearby residential areas, surrounding commercial establishments, and by-pass motorists.

**NEGATIVE ASPECTS**

- The site abuts single-family residences to the north and east. There may be potential negative impacts relative to lights, glare and noise to residential areas.

**MITIGATING MEASURES**

- Noise impacts are subject to the regulations in the Noise Ordinance.
- A lighting plan in compliance with the LDC regulations will be submitted at Final Site Plan stage.
- The site provides adequate buffers and screening adjacent to residential development.
- The applicant has submitted Attachment "B" which utilizes strikethrough to identify all uses which will be prohibited on the site.

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

No remaining issues.

## SPECIFIC APPROVALS – FINDINGS

The Manatee County Land Development Code identifies Specific Approval as a finding by the Board that a proposed action, design, or solution proposed by the applicant that is not literally in accord with the applicable Planned Development regulations either meets or exceeds the regulations as outlined by the Code.

### **Applicant Request:**

#### **1. Alternative to LDC Section 1006.8.A – To allow a reduction of the loading space dimensions**

LDC Section 1006.8.A requires that the minimum dimensions of a loading space shall not be less than fifteen (15) feet wide and thirty-five (35) feet long.

#### **Staff Analysis and Recommendation:**

Staff is in support of the request for Specific Approval for an alternative to Section 1006.8.A of the LDC to reduce the minimum required dimensions of a loading spaces to nine (9) feet wide and nineteen feet long since:

- the nature of proposed commercial business will require that most deliveries will be made by small vehicles such as step vans and bread trucks, and
- deliveries will occur off-peak business hours.

#### **Finding for Specific Approval:**

Notwithstanding the failure of this plan to comply with the requirements of LDC Section 1006.8.A, the Board finds that the purpose of the LDC regulation is satisfied to an equivalent degree by the proposed design because adequate loading area will be provided.

#### **2. Alternative to LDC Section 701.3.B.3.b – To eliminate the required 15-foot wide perimeter landscape buffer along the north boundary**

LDC Section 701.3.B.3.b requires a 15-foot continuous perimeter landscape buffer along the north property line between zoning district boundaries (a commercial use abutting a residential use). The request is to eliminate the required landscape buffer.

#### **Staff Analysis and Recommendation:**

Staff is in support of the request for Specific Approval for an alternative to Section 701.3.B.3.b of the LDC to eliminate the required 15 feet wide perimeter buffer along the north boundary since:

- a stormwater facility is located on the northern portion of the site providing approximately double the required width of the buffer,
- a fence in compliance with LDC Section 701, Figure 7-3, Option C will be provided according to Stipulation D.6 on top of the retaining wall of the stormwater pond, and
- vehicle use area landscaping in compliance with LDC Section 701.3.A is being provided on the north side of the parking area for screening purposes.

#### **Finding for Specific Approval:**

Notwithstanding the failure of this plan to comply with the requirements of LDC Section 701.3.B.3.b, the Board finds that the purpose of the LDC regulation is satisfied to an equivalent degree by the proposed design because adequate screening and separation between residential and commercial uses are provided.

## SPECIAL APPROVALS – FINDINGS

“Special Approval” is a process requiring an additional level of review pursuant to the Comprehensive Plan. It is defined 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. The planned development process allows the Board of County Commissioners to approve stipulations to ensure compatibility with surrounding zoning and land uses and address any specific issues related to the development.

Special Approval is required for a project:

**Adjacent to a perennial stream, and habitable structures located within the 25-year floodplain**

The Comprehensive Plan requires Special Approval for projects adjacent to a perennial stream (Policy 3.2.2.1), and with habitable structures located within the 25-year floodplain (Policy 2.3.3.4).

The site is adjacent to Gates Creek (perennial stream), and partially within the County delineated 25-year floodplain. The proposed plan shows:

- No encroachment in the FEMA regulatory floodway of Gates Creek.
- Water quality of the perennial stream will not be affected by the development, which will be accomplished through the runoff treatment requirements for stormwater facilities as well as other design considerations.
- A conservation easement over a 30' wide wetland buffer and the portion of the stream that falls within the project area, as was required within the previous approval.
- Building concentrated to the greatest extent possible along the periphery and outside of the 25-year floodplain,
- Floodplain compensation for the 25-year and 100-year storm event, and
- Finish floor elevation of the building will be at least one-foot above 100-year Base Flood Elevation (B.F.E.).

The proposed preliminary site plan appears appropriate and consistent with the applicable regulations related to preserve and protect natural features and sensitive environments.

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 project will have no significant detrimental impacts on natural resources, adjacent land uses, or public facilities.

**COMPLIANCE WITH THE LAND DEVELOPMENT CODE  
Factors for Reviewing Proposed Site Plans (Sections 402.11 and 531.16)**

**Physical Characteristics, Natural Features, Conservation and Preservation Areas**

The ±1.23-acre site consists of one (1) irregular trapezoidal shape lot with frontage along SR 64 (± 125 feet – south boundary). The site is part of a 2-lot commercial platted subdivision (Bentley Subdivision recorded in 08/26/2010). There are no wetlands, nor native upland habitats within the site. There is a conservation easement that runs along the east property boundary adjacent to Gates Creek.

**Public Utilities, Facilities and Services**

As previously mentioned in the staff report, the site will be served by County water and sewer via connection to existing facilities located in the vicinity of the project area. Reclaimed water is available along SR 64 nearby the site. Irrigation for landscaping shall use the lowest water quality source available, which shall be identified at Final Site Plan stage.

**Compatibility**

The proposed development is compatible with the commercial development pattern and trends of the nearby area. The site is located on the northeast corner of the intersection of SR 64 and Upper Manatee River Road (arterial thoroughfares), area in which have been built commercial retail and commercial service use establishments zoned PDC and PDMU, as well as there is vacant land zoned GC (northwest corner of the referenced intersection). Further, to the east and west along SR 64, and south along Lakewood Ranch Boulevard, there are a variety of commercial business part of Lakewood Ranch Commerce Park and Richland Farms.

The establishment of proposed retail and restaurant businesses will provide additional services for nearby residents, commercial establishments, by-pass motorists, and visitors to the area. PDC zoning requires approval of a site plan by the Board of County Commissioners, and allows to attach conditions to the proposed project to ensure compatibility and adequate transition with surrounding zoning and land uses.

### **Transitions**

The site is located along SR 64 and in near proximity of the Upper Manatee River Road which are designated arterial thoroughfares, and within an area which has been substantially developed with a mix of residential, commercial and service uses. In the immediate vicinity of the site there is an existing drugstore to the west (Walgreens), and across SR 64 are commercial sites including a gas station with convenience store (Speedway), financial institutions (Chase Bank and Bank of America), and a fast-food restaurant with drive-thru (McDonald's). To the north and east there are single-family residential properties at Windsong Acres Subdivision. Transition between residential areas and the proposed commercial site is provided thru adequate setbacks, buffers, and screening including fences along vehicular areas and drive-thru facility.

### **Design Quality, Streets, and Driveways**

The proposed preliminary site plan includes a total of 4,540 square feet of commercial space (2,140 square foot restaurant with drive-thru, and 2,400 square foot retail area). Associated parking spaces are proposed to the north, south and east of the building, and service zones (loading space, and dumpster) northeast of the proposed building. The stormwater facility (1 pond) will be located on the north and east portions of the site.

No new streets are proposed. The site plan shows internal driveways (24' wide two-ways and 15' wide one-way) connecting the access point along SR 64 with parking and service zones, as well as adjacent commercial site to the west.

### **Parking and Service Areas**

A total of 37 parking spaces and 2 bicycle rack spaces are required per LDC Sections 1005.3.A, Table 10-1 (Parking Ratios) and 1005.3.D, Table 10-3 (Bicycle Parking Spaces Requirements), respectively. The site plan shows a total of 39 parking spaces (including 2 handicap spaces) and 4 bicycle spaces (1 bicycle rack) exceeding the minimum required number of parking spaces. Additionally, the site plan provides a loading zone (one space) on the northeast portion of the site (beside the dumpster area) according to the requirements of LDC Table 10-7 (Loading Space Uses); however, the applicant is requesting specific approval to reduce the minimum dimensions of the loading area set forth LDC Section 1006.8.A (15' x 35'), and proposing instead a standard parking space (9' x 19') for loading purposes. Staff is in support of the requested specific approval since the nature of the proposed business will not require deliveries be provided by oversize trucks and the deliveries will occur off-peak business hours.

Parking areas, access point, internal drives, and pedestrian ways are designed to provide for safe internal circulation on the site.

### **Pedestrian Systems**

The design shows adequate pedestrian circulation. The preliminary site plan shows the existing 8 feet wide sidewalk along SR 64. Additionally, walkways (minimum 5 feet wide) have been proposed around the proposed commercial building providing internal connectivity with parking spaces, dumpster area, and external sidewalk.

### **Historic Features**

There are no known historic or archaeological resources on the site. If any historic resources are found during time of development, the applicant will be required to immediately report discoveries of historical or archaeological resources to the Florida Division of Historical Resources.

### **Intensity**

The applicant proposes a maximum of 4,540 square feet of commercial area (2,140 square foot restaurant with drive-thru, and 2,400 square foot retail area) for an overall Floor Area Ratio (FAR) of 0.08, which is below to the maximum FAR allowed for projects within the UF-3 FLUC (0.23/ 0.35 for mini-warehouse use only).

### **Height**

The site plan indicates that the maximum proposed height for proposed commercial site will be 35 feet (maximum two-story structure). This height should not create any external negative impact that would affect surrounding developments.

**Fences, Screening, and Landscaping**

The Preliminary Site Plan shows the following:

- Roadway buffer: 13-foot wide along to SR 64 (south boundary) planting per 100 linear feet with 2 canopy trees and 33 shrubs respectively.
- Perimeter buffer: Proposed perimeter buffers and planting (according LDC Fig.7-3) are the following:
  - \* North Perimeter: Specific Approval to eliminate the required 15 feet wide buffer is requested in order to provide a more efficient stormwater facility. Instead of required planting, along the northern boundary will be provided a decorative fence on top of the retaining wall of the retention pond in compliance with LDC Section 701.3 (Figure 7-3, Option C). The total fence height (6 feet) shall include the height of the retaining wall as states stipulation D.6.
  - \* East Perimeter: 2 ½ canopy trees & 33 shrubs per 100 LF (Option B), and
  - \* West Perimeter: no buffer is required where the site is adjacent to another commercial site according to the provisions of LDC Figure 7-4: Buffer Screening Matrix.
- Vehicular use area:
  - \* 8-foot wide vehicle use area abutting the north and east sides of proposed parking areas. The buffer will be planting with 1 canopy tree per every 40 linear feet of buffer & continuous hedge to reach 42” within 2 years of installation (80% opacity) (per LDC Section 701.3) and includes a 6-foot high fence on top of a retaining wall to comply with the regulations of LDC Section 531.16 related to applicable screening for drive-through facilities adjacent to residential use.
  - \* 360 sq. ft. of planting area, including 4 canopy trees and 20 shrubs per every 20 parking spaces will be provided according to the requirements of LDC Section 701.3.A.2
- Foundation landscaping: 20 sq. ft. per every 1,000 sq. ft. of gross floor area per LDC Section 701.3.C. A total of 91 square feet of foundation landscaping will be provided in compliance with the referenced LDC Section.

**Yards and Setbacks / Relationship to Adjacent Properties**

The following chart includes the minimum setback requirements per LDC Section 402.11 - PDC Zoning District and 531.16 – Drive-Through Establishments, as well the proposed setbacks shown in the site plan:

Yards and Setbacks				
Type	Front (SR 64)	Side (East)	Side (West)	Rear (North)
Required per LDC Section 402.11	30 <sup>(1)</sup>	15'	15'	20'
Required per LDC Section 531.16		30 <sup>(2)</sup>		30 <sup>(2)</sup>
Proposed per site plan (min.)	85'	91'	16'	88'

(1) Along Thoroughfare Street      (2) Setback from stacking areas associated with drive-through facilities to residential areas

The site plan complies with all applicable setbacks, exceeding in all instances the minimum requirements of LDC Sections 402.11 and 531.16 as shown on the above chart.

The proposed building will be adequately separated from adjacent property lines, including at least a separation of 88 feet from existing residential areas greater than the LDC minimum requirement (30 feet).

**Trash and Utility Plant Screens**

The site plan shows a designated area for the location of a dumpster on the northern portion of the site, specifically east of proposed loading. Screening will be provided in compliance with the regulations of LDC Section 803.3 and will be reviewed at Final Site Plan stage.

**Signs**

All signs will be reviewed and approved administratively at time of Final Site Plan and Building Permits, and will meet the requirements of LDC Chapter 6.

**Mixed Use or Entranceway Designation**

The site is not in an area designated as a Mixed Use or an Entranceway of the County.

### **Water Conservation**

The development will be required to conform to Manatee County Land Development Code and Engineering Standards for water conservation measures. Irrigation for landscaping will use the lowest water quality source available. Non-potable water will be used for irrigation.

### **Utility Standards**

Connection to Manatee County utilities is required and will be reviewed in greater detail with future Final Site Plan.

### **Stormwater Management**

Per FIRM Panel 12081C0331E, effective 3/17/2014, the project area lies in Zone X, and partially located within the FEMA 2014 FIRM 100-year Floodplain (Zone “AE” with a Base Flood Elevation of 24.7 feet NAVD) and Floodway. In addition, the project is partially within the County 25-year floodplain.

The design of the stormwater facilities shall adhere to the requirements of LDC Section 801 and the Manatee County Public Works Standards. Stormwater design and calculations will be reviewed in greater detail with the Final Site Plan/Construction Plan submittal.

### **Open Space**

The site plan shows 51% or 0.63 acres of open space is provided with this project, exceeding the minimum of open space required (20% or 0.25 acres).

## **COMPLIANCE WITH COMPREHENSIVE PLAN**

**The site is in the UF-3 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 for a mix of commercial retail and commercial services areas, as well as residential areas.

**Policy 2.2.1.11.1 Intent.** The proposed use is consistent with the intent of the UF-3 FLUC which provide for a complement of residential support uses normally utilized during the daily activities of residents, and for nonresidential uses of a community serving nature to allow for a variety of uses within these areas which serve more than the day to day needs of the community.

**Policy 2.2.1.11.2 Range of Potential Uses.** The proposed use is consistent with the range of potential uses for projects within the UF-3 FLUC that includes retail wholesale or office commercial uses which function in the marketplace as neighborhood or community serving (medium scale – 150,000 sq. ft. maximum and large scale – 300,000 sq. ft. with limitations).

**Policy 2.2.1.11.3 Range of Potential Intensity.** The proposed FAR (0.008) is in compliance and below the maximum threshold in this category which is 0.23 (0.35 for mini-warehouse use only).

**Policy 2.6.1.1 Compatibility.** The Preliminary Site Plan design is compatible with the existing commercial trends of the nearby area. The proposed use is appropriate given the project location at the intersection of two thoroughfare roadways (SR 64 and Upper Manatee River Road). Adequate buffers and setback are provided for compatibility and transition to adjacent properties.

**Policy 2.6.5.4 Preserve and Protect Open Space.**

The site plan shows 51% open space (0.63 acres). 20% open is required (0.25 acres).

## STAFF RECOMMENDED STIPULATIONS

### **A. DESIGN AND LAND USE STIPULATIONS**

1. The total square footage of the site shall be limited to 4,540 square foot (2,140 square foot restaurant with drive-thru, and 2,400 square foot retail area).
2. The uses approved for this project shall be limited to those voluntarily proffered by the applicant in the Schedule of Uses attached to the Zoning Ordinance PDC-17-32(P) as Exhibit "B".
3. All roof mounted HVAC equipment shall be screened from view from SR 64, Upper Manatee River Road, 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.
4. 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.
5. Signs shall be of the same architectural design as the main building.
6. All requirements of LDC Section 531.16 (Drive-Through Facilities) shall be complied with at time of Final Site Plan.
7. Any significant historical or archaeological resource discovered during development activities shall be immediately reported to the Florida Division of Historical Resources and treatment of such resources shall be determined in cooperation with the Division of Historical Resources and Manatee County. Treatment of the resources must be completed before resource-disturbing activities are allowed to continue. If human remains are encountered, the provisions contained in Chapter 872, Florida Statutes (Offences Concerning Dead Bodies and Graves) shall be followed.
8. The applicant shall designate by appropriate signage the restricted use of the loading space to deliveries by vehicles of a limited size and shall be responsible for monitoring compliance with this stipulation.

### **B. UTILITY ENGINEERING STIPULATIONS**

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 the County Engineer through the construction plans review process for the project.

### **C. STORMWATER ENGINEERING STIPULATIONS**

1. All 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 and 25-year floodplain compensation shall be compensated in sole use compensation areas, not dual use facilities (i.e., stormwater attenuation and floodplain compensation).
2. A no-rise permit will be required for any encroachment within the FEMA 100-year floodway of Gates Creek. Any existing or proposed structures within the floodway shall be modeled.
3. A Drainage Easement shall be dedicated to Manatee County and be provided within the project boundaries for Gates Creek. In addition, a thirty (30) feet Drainage-Maintenance Access Easement shall be provided along this system within the project boundary from the top of bank. Manatee County is only responsible for maintaining the free flow of drainage through these systems.

#### **D. ENVIRONMENTAL STIPULATIONS**

1. The applicant shall provide signs adjacent to the conservation easement indicating that the area is a "Conservation Easement" as shown on the approved site plan. Signs shall be installed prior to the acceptance of the first Certificate of Completion.
2. 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, and correspondence and permits, approved by the State (Florida Fish and Wildlife Conservation Commission) shall be submitted prior to the commencement of development for any listed species found on site. Evaluation of the proposed development site shall contain dates of field review, name and qualifications of individual(s) conducting the field review – including authorized Gopher Tortoise Agents, a statement of the methodology used to conduct the habitat assessment and biological survey, a map indicating where listed species (or nests or burrows) were observed on the site, a list of all species observed on site, and a habitat management plan describing measures proposed by the applicant to ensure non-disturbance, relocation or other acceptable mitigative measures.
3. 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.
4. If wells are encountered, 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.
6. The perimeter buffer on the north boundary of the project shall be comprised of a 6 (six) foot fence in compliance with LDC Section 701.3, Figure 7-3, Option C. The total fence height shall include the height of the retaining wall required for the stormwater retention pond. The fence shall be a decorative, opaque fence as defined in LDC Section 701.3.B.3.b.iii.

#### **ATTACHMENTS**

1. **Applicable Comprehensive Plan Policies**
2. **Staff Report Maps**
3. **Preliminary Site Plan**
4. **Schedule of Uses (Exhibit "B")**
5. **Deferral and Acknowledgment of Eventual Requirement for Concurrency**
6. **Applicant's Specific Approval Request Letter**
7. **Newspaper Advertising**
8. **Ordinance PDC-17-32(P)**

**APPLICABLE COMPREHENSIVE PLAN POLICIES**

<b>Policy 2.1.2.7.</b>	Review all proposed development for compatibility and appropriate timing of development.
	<p>this analysis shall include the following:</p> <ul style="list-style-type: none"> <li>• Consideration of existing development patterns;</li> <li>• Types of land uses;</li> <li>• Transition between land uses;</li> <li>• Density and intensity of land uses;</li> <li>• Natural features;</li> <li>• Approved development in the area;</li> <li>• Availability of adequate roadways;</li> <li>• Adequate centralized water and sewer facilities;</li> <li>• Other necessary infrastructure and services;</li> <li>• Limiting urban sprawl;</li> <li>• Applicable specific area plans;</li> <li>• (See also policies under Objectives 2.6.1—2.6.3).</li> </ul>
Policy:	2.2.1.11 UF-3: Establish the Urban Fringe—3 future land use category as follows:
Policy:	2.2.1.11.1 Intent: To identify, textually, in the Comprehensive Plan's goals, objectives, and policies, or graphically on the Future Land Use Map, areas limited to the urban fringe within which future growth (and growth beyond the long term planning period) is projected to occur at the appropriate time in a responsible manner. The development of these lands shall follow a logical expansion of the urban environment, typically growing from the west to the east, consistent with the availability of services. At a minimum, the nature, extent, location of development, and availability of services will be reviewed to ensure the transitioning of these lands is conducted consistent with the intent of this policy. These UF-3 areas are those which are established for a low density urban, or clustered low-moderate density urban, residential environment, generally developed through the planned unit development concept. Also, to provide for a complement of residential support uses normally utilized during the daily activities of residents of these low or low-moderate density urban environments, and in limited circumstances nonresidential uses of a community serving nature to allow for a variety of uses within these areas which serve more than the day to day needs of the community. (See further policies under 2.2.1.11.5 for guidelines).
Policy	2.2.1.11.2 Range of Potential Uses (see Policies 2.1.2.3—2.1.2.7, 2.2.1.5): Suburban or urban density planned residential development with integrated residential support uses as part of such developments, retail wholesale or office commercial uses which function in the marketplace as neighborhood or community serving, short-term agricultural uses, agriculturally-compatible residential uses, farmworker housing, public or semi-public uses, schools, low intensity recreational uses, and appropriate water-dependent, water-related, and water-enhanced uses (see also Objectives 4.2.1 and 2.10.4).
Policy	<p>2.2.1.11.3 Range of Potential Density/Intensity: Maximum Gross Residential Density:</p> <p>Three (3) dwelling units per acre.</p> <p>Maximum Net Residential Density:</p> <p>Nine (9) dwelling units per acre (except within the WO or CHHA Overlay Districts pursuant to Policies 2.3.1.5 and 4.3.1.5).</p> <p>Maximum Floor Area Ratio:</p>

0.23 (0.35 for mini-warehouse uses only).

Maximum Square Footage for Neighborhood Retail Uses:

Medium (150,000 s.f.).

Large (300,000)\*.

\*With Limitations (See Policy 2.2.1.11.5).

Policy 2.2.1.11.4. Other Information:

- (a) All mixed, multiple-use, and community serving nonresidential projects require special approval, as defined herein, and as further defined in any land development regulations developed pursuant to § 163.3202, F.S.
- (b) All projects for which gross residential density exceeds one (1) dwelling unit per acre, or in which any net residential density exceeds three (3) dwelling units per acre, shall require special approval.
- (c) Any nonresidential project exceeding thirty thousand (30,000) square feet shall require special approval.

Policy 2.2.1.11.5. In order to serve more than day to day needs within the low-moderate density urban environment, properties meeting the following criteria may be developed with land uses which are defined as community serving nonresidential uses:

- (a) Located at the intersection of an arterial and a collector roadway as defined in the Element 5 of this plan.

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 (ROR) 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 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 Chapter 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 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 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 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 f 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 1,500 feet from its intersection with Wauchula Road, and located within 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 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 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 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 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

Require that all proposed commercial uses meet, in addition to commercial locational criteria, the following commercial development standards:

- 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 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 mile apart, as measured between the center of two nodes. However, where two 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 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 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: 2.3.3.2

Require that all fill within the 100-year floodplain shall be compensated by creation of storage of an equal or greater volume, with such compensatory storage also located within the 100-year floodplain. Areas within the 100-year floodplain adjacent to a tidally-influenced water body shall not be subject to this level of service performance standard.

Objective 2.6.1

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

Policy 2.6.1.1

An application for a development order that proposes a use, intensity, height, and/or density that could be found incompatible with the use on the adjacent site shall propose techniques in the form of conditions of approval to mitigate potential incompatible characteristics of the proposed use. 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
- building setbacks
- innovative site design (which may include planned development review)
- appropriate building design
- operational restrictions on the proposed use
- noise attenuation techniques
- a density and/or intensity below the maximum allowed

Implementation Mechanism(s):

- a) Maintain setback, screening, buffering, and other appropriate mitigation techniques in land development regulations.
- b) Planning Department review of development approvals to ensure policy compliance.

Policy: 2.6.1.2

Require the use of planned unit development, in conjunction with the mitigation techniques described in policy 2.6.1.1, for projects where project size requires the submittal of a site development plan in conjunction with the special approval

process in order to achieve compatibility between these large projects and adjacent existing and future land uses. Projects in the UIRA that meet the buffer and screening standards established in the Land Development Code shall not require planned development or Special Approval.