

ORDINANCE 14-04 – CREEKWOOD (DRI # 13)

An Ordinance of the Board of County Commissioners of Manatee County, Florida, regarding land development, rendering an amended and restated Development Order pursuant to Chapter 380, Florida Statutes, for the Creekwood Development of Regional Impact, (Ordinance 13-25) to approve the following changes to Map H and the Ordinance: 1) allow group care home (assisted living facility) as an allowable use in Parcel MU; and 2) add 150-bed group care home and decrease the commercial square footage by 10,000 square feet for a total of 593,000 square feet of commercial space; providing for development rights, conditions, and obligations; providing for severability; and providing an effective date.

This DRI is approved in four phases for 1,362 residential units, 603,000 square feet of commercial space, 800,000 square feet of industrial space, 100,000 square feet of office space, 80,000 square feet of mini-warehouse space, and 100 hotel rooms.

Creekwood is located at the northwest and northeast intersections of State Road 70 and I-75 (±818.26 acres) and the present zoning is PDR/PDC/PDI/WP-E/ST (Planned Development Residential, Planned Development Commercial, Planned Development Industrial/Watershed Protection/Special Treatment Overlay Districts). Parcel MU is located on the north side of SR 70 and east of I-75 (±52.53 acres) and the present zoning is PDI/WP-E/ST (Planned Development Industrial/ Watershed Protection/Special Treatment Overlay Districts).

P.C.: 03/13/2014

B.O.C.C.: 04/03/2014

RECOMMENDED MOTION:

Based upon the staff report, evidence presented, comments made at the public hearing, and finding the request to be CONSISTENT with the Manatee County Comprehensive Plan, the Manatee County Land Development Code, and Section 380.06, Florida Statutes, subject to the conditions of approval established in the Development Order, I move to recommend APPROVAL of Ordinance No. 14-04, as recommended by staff.

CASE SUMMARY

CASE NO.: Ordinance 14-04 – Creekwood (DRI #13)

APPLICANT: Creekwood Investors, LTD

REQUEST: Modify Map H and the Development Order with the following changes:

- A. Allow Group Care Home (Assisted Living Facility) as an allowable use in Parcel MU;**
- B. Add 150-bed Group Care Home and decrease the commercial square footage by 10,000 square feet for a total of 593,000 square feet of commercial space.**

STAFF

RECOMMENDS: APPROVAL

REQUEST, LOCATIONAL INFORMATION, AND LAND USE CHARACTERISTICS

- The request is for approval of modifications to the DRI Development Order and Map H for the Creekwood DRI. Map H is the “Master Development Plan” for a DRI site that indicates proposed land uses and locations, major public facilities, utilities, preservation areas, easements, right-of-way, roads, and other significant elements such as development phasing, etc.
- Proposed changes are accompanied by a request to amend the General Development Plan and Zoning Ordinance for Creekwood (Z-84-76).
- The Creekwood DRI is located northeast and northwest of the intersection of I-75 and State Road 70, extending northward to the north of the future 44th Avenue Extension.
- Present zoning is PDR/PDC/PDI/WP-E/ST (Planned Development Residential, Planned Development Commercial, Planned Development Industrial/Watershed Protection Evers and Special Treatment Overlay Districts) (± 818.26 acres).
- To the NORTH, west and east of I-75, are single-family homes on large lots (Braden River Ranchettes Subdivision) zoned A-1 (Suburban Agriculture). To the northeast is the Manatee County wastewater treatment plant and landfill zoned PD-PI/WP-E (Planned Development Public Interest/ Watershed Protection Evers Overlay District).
- To the SOUTH, across SR 70, west of I-75, are commercial developments in the Tara DRI zoned PDC/WP-E/ST (Planned Development Commercial/Watershed Protection Evers and Special Treatment Overlay Districts). Tara DRI is zoned PDC/PDR/WP-E/ST (Planned Development Commercial, Planned Development Residential/Watershed Protection Evers and Special Treatment Overlay Districts).
- To the south, across SR 70, east of I-75, are commercial developments in the River Club Park of Commerce DRI (Wal-Mart) zoned PDMU/WP-E/ST (Planned Development Mixed Use/Watershed Protection Evers and Special Treatment Overlay Districts) and in Ranch Lake Plaza and Ranch Lake Business Center Subdivisions zoned PDC/WP-E/ST (Planned Development Commercial/Watershed Protection Evers and Special Treatment Overlay

Districts) and PR-M/WP-E/ST (Professional-Medium/Watershed Protection Evers and Special Treatment Overlay Districts).

- To the EAST, are single-family homes (Rosedale Subdivision) zoned PDR/WP-E (Planned Development Residential/ Watershed Protection Evers Overlay District), and a church (Woodland Baptist Church) zoned A-1/WP-E/ST (Suburban Agriculture/Watershed Protection Evers and Special Treatment Overlay Districts).
- To the WEST, is an RV park (Pleasant Lakes RV) zoned PD-RV/ST (Planned Development Recreational Vehicle/Special Treatment Overlay District), Crossing Creek Subdivision (single-family homes) and vacant land zoned PDR, and Campbell Commercial zoned GC/WP-E/ST (General Commercial/Watershed Protection Evers and Special Treatment Overlay Districts).

SUMMARY: (RL)

The applicant requests approval of modifications to the DRI Development Order and Map H for the Creekwood DRI.

History

The Creekwood DRI was originally approved on August 27, 1985 (R-85-149) for a 1,090-acre multi-use development, and revised for clarification from the Department of Community Affairs on October 22, 1985 (R-85-219).

Creekwood is a mixed-use development on ±818 acres, which includes residential, commercial, industrial, office, and recreation. The project is approved for 4 phases, with phases overlapping in time. Phases I and II have been completed. Phase III and IV have been legislatively extended to November 22, 2018 and November 22, 2019 respectively.

Approved development totals are as follow:

| Phase | Buildout | Residential (Units) | Commercial (Sq. Ft.) | Industrial (Sq. Ft) | Office (Sq. Ft.) | Mini-Warehouse (Sq. Ft.) | Hotel (Rooms) |
|--------------|---------------------------|---------------------|----------------------|---------------------|-----------------------|--------------------------|---------------|
| I & II | Completed | 592 | 455,048 | - | - | - | - |
| III | 11/22/2018 ⁽¹⁾ | 140 | 55,000 | 230,000 | 60,000 | - | - |
| IV | 11/22/2019 ⁽¹⁾ | 630 | 92,952 | 570,000 | 40,000 ⁽²⁾ | 80,000 | 100 |
| TOTAL | | 1,362 | 603,000 | 800,000 | 100,000 | 80,000 | 100 |

(1) Phases III & IV buildout dates reflect all legislatively approved extensions.

(2) Office space may include up to 85,000 sq. ft. of medical office.

The following amendments to the Creekwood DRI Development Order were approved by the BOCC:

- May 20, 1986: Received approval to delete approximately 240 acres east of I-75 from the Development Order (R-86-112)
- July 23, 1992: Received approval to allow a six month extension for the required date to submit a preliminary site plan for Phase II (R-92-80)
- April 22, 1993: Received approval to amend the Development Order and Map H to reduce acreage to 818,26 ±acres, extend the buildout dates for each phase, provide additional access points from SR 70, relocate 7,500 sq. ft. of commercial, and other various changes related to zoning and land uses (R-93-25)

- December 15, 1998: Received approval to amend the Development Order and Map H to exchange the land use designation for Parcel G (General Commercial) with Parcel O-1 (Office), increase total commercial floor area (69,500 sq. ft.) and land area, decrease total office floor area (44,000 sq. ft.) and land area, decrease residential development (500 units), and change the designation of Parcels C-1, C-2, and O-1 and combine them to a re-designated Parcel C (ORD-98-49)
- March 28, 2000: Received approval to amend the Development Order and Map H to modify Phase IV to allow 447,000 sq. ft of commercial and 38,000 sq. ft of office on Parcel C, adjust development totals in Parcel C (522,000 sq. ft. of commercial and 115,000 sq. ft. of office), modify the project phasing deadlines, and modify specific conditions (ORD-00-07)
- January 6, 2004: Received approval to amend the Development Order and Map H to re-designate parcels identification, add an additional roadway connection to the west, modify the Project Phasing Table to clarify, eliminate, and redistribute approved development (reduce industrial to 950,000 sq. ft., clarify allocation of commercial approved in the industrial category, expand the range of commercial and industrial uses permitted east of I-75, decrease residential from 2,305 to 1,617 units), update and modify the Project Phasing Table to recognize completed development, transfer industrial, office, and commercial square feet from Phases I and II to Phases III and IV (ORD-04-28)
- January 5, 2006: Received approval to amend the Development Order and Map H to modify the Project Phasing Table to reduce, add, and redistribute approved development (decrease residential from 1,617 to 1,250 units, increase office to 225,00 sq. ft., transfer residential units from Phases I and II to Phase IV, and delete condition requiring Preliminary Site Plans be submitted 18 months prior to buildout date) (ORD-05-41)
- August 2, 2012: Received approval to amend the Development Order and Map H to add 30,000 square feet to an existing 50,000 square foot mini-warehouse project on Parcel C-5 for a total of 80,000 square feet of mini-warehouse, update the Development Order to reflect previously approved project extensions, update the water quality monitoring conditions, update the Development Totals and Table 1 (Phasing by Use) to clarify previously approved reduction of 150,000 of industrial entitlements (ORD-12-15)
- December 17, 2013: Received approval to amend the Development Order and Map H to modify the land use of Parcel G from Office to Residential, increase the total residential units by 112 for a total of 1,362 units and decrease the office square footage by 125,000 square feet for a total of 100,000 square feet, delete condition regarding maximum density in the watershed, and amend the stipulations related to the I-75 bridge approach (ORD-13-25)

To date, 592 residential units have been completed as well as 501,594 sq. ft. of commercial development, 80,000 sq. ft. of mini-warehouse, 89,084 sq. ft. of light industrial, 13,990 sq. ft. of office and 78 hotel rooms. Various site plans for industrial development are under review or have been approved.

Request

The request today is for an amendment to the Creekwood Development Order (DO) and Map H. The request includes a companion revision to the Zoning Ordinance and General Development Plan.

Pursuant to Florida Statute Section 380.06, this amendment is not being processed as a Notice of Proposed Change (NOPC) in which the Tampa Bay Regional Planning Council reviews and approves the amendment and makes a recommendation to the County.

FS 380.06 states that changes to the Development Order that do not increase the number of external peak hour trips and do not reduce open space and conserved areas within the project require only an application to the local government in accordance with the local government's procedure for amendment of a Development Order and the following adoption. The local government shall render a copy to the state land planning agency (Department of Economic Opportunity), which only has the right to appeal the amendment if they believe the change creates a reasonable likelihood of new or additional regional impacts. There is no requirement to provide a copy to the Regional Planning Council, since they have no rights to appeal.

Staff has reviewed the amendments and concurs that the proposed changes to the DRI Development Order and Map H do not increase the number of external peak hour trips and do not reduce open space and conserved areas with the DRI project. Nor are the changes those listed requiring an NOPC or Substantial Deviation to the DRI. If the amendment is approved, a copy of the amended ordinance will be sent to the Department of Economic Opportunity and a courtesy copy to the Tampa Bay Regional Planning Council.

The request is detailed below and shown in strike-thru/underline format in the attached Development Order:

- **Allow Group Care Home (Assisted Living Facility) as an allowable use in Parcel MU, add 150-bed Group Care home and decrease the commercial square footage by 10,000 square feet for a total of 593,000 square feet of commercial space.**

The approved Map H provides for mixed non-residential uses on Parcel MU (commercial and office), with no provisions for residential uses. The applicant proposes to consider "Group Care Home" (Assisted Living Facility) as an allowable use in Parcel MU, which is classified as a residential use category. The proposal also includes adding a 150-bed group care home facility, and decreasing the commercial square footage by 10,000 square feet for a total of 593,000 square feet of commercial space.

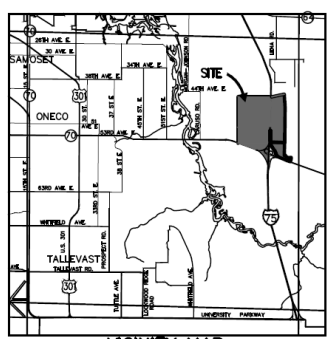
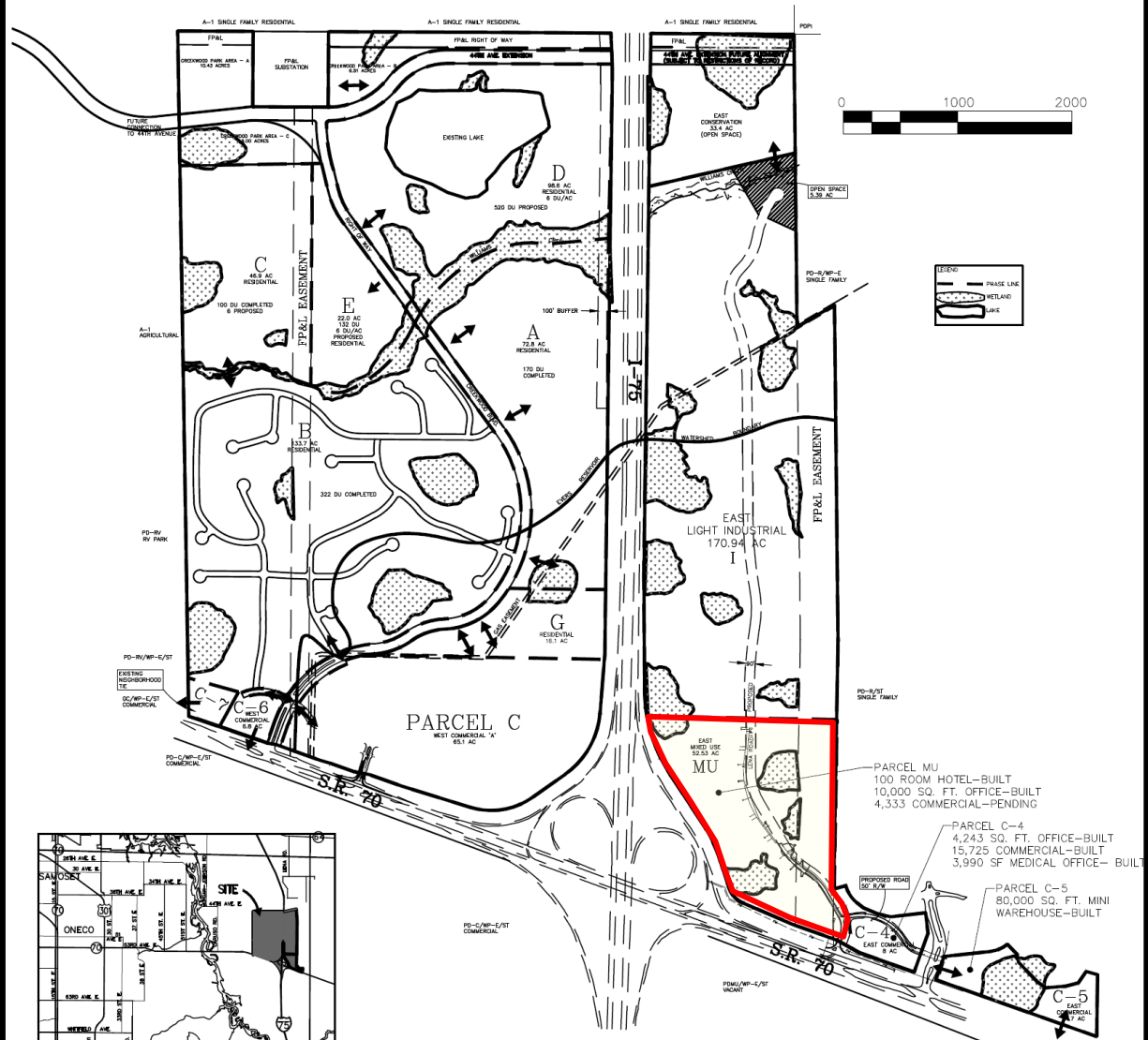
The proposal includes the following:

- Under the Map H, the applicant proposes to modify the Land Use/Acreage Summary Table to show Group Care Home (150 beds) as an allowed use in Parcel MU and to reduce the commercial entitlements of Parcel MU by of 10,000 square feet.

LAND USE/ACREAGE SUMMARY

| LAND USE | ACRES | UNITS/SQUARE FEET |
|----------------------------------|--------|--------------------------------------|
| RESIDENTIAL | 390.1 | 1362 (592 COMPLETE/770 REMAINING) |
| INDUSTRIAL | 170.94 | 800,000 SF |
| COMMERCIAL ONLY (C-6, C-7, C) | 71.9 | 482,000 SF |
| MIXED USES (MU, C-4, C-5) | 65.73 | |
| COMMERCIAL | | 111,000 SF |
| OFFICE | | 100,000 SF |
| GROUP CARE HOME (MU) | | 150 BEDS |
| MINI-WAREHOUSE (ONLY C-5) | 6.5 | 80,000 SF |
| HOTEL | | 100 ROOMS(93,000 SF) |
| ROADS/OPEN SPACE | 54.73 | |
| CONSERVATION | 33.4 | |
| PARKS | 25 | |
| PROJECT TOTAL | 818.3 | |

SCALE 1"=1000'



MAP H

- Under the Development Order the applicant proposes to change Section 5 and Section 6 as follow:

SECTION 5. DEVELOPMENT COMPONENTS

Approval of this ordinance authorizes development of the following land uses, when developed in conjunction with the terms of this ordinance, and any applicable local, regional, state, or federal regulations.

- A. 1,362 dwelling units
- B. ~~603,000~~ 593,000 square feet of commercial
- C. 800,000 square feet of industrial
- D. 100,000 square feet of office
- E. 100 room hotel (93,000 square feet)
- F. 80,000 square feet of mini-warehouse
- G. 150-bed group care home (assisted living facility)

SECTION 6. DEVELOPMENT CONDITIONS

PROJECT PHASING AND BUILDOUT CONDITIONS

1. The developer shall comply with the deadlines contained in the revised phasing schedule, listed in Table 1 below:

Table 1 - Phasing by Use

| PHASES | | | | | |
|--|--------------------------|-----------------------------|-----------------------------------|--------------------------------------|--|
| Uses | Acreage 818.3 | I, II (Complete) | III (1996- 11/22/2018) | IV (2001- 11/22/2019) | Total |
| RESIDENTIAL | 390.1 | 592 | 140 | 630 | 1,362 |
| COMMERCIAL [RETAIL AND SERVICE- 380.0651(3)(f)] | 137.63***** | 455,048 | 55,000 | 92,952 <u>82,952**</u> | 603,000 <u>593,000**</u> |
| HOTEL [Hotel or motel - 380.0651(3)(g)] | | | | 100 rooms 93,000 | 100 rooms 93,000 |
| OFFICE | | | 60,000* | 40,000* | 100,000* |
| INDUSTRIAL | 170.94 | | 230,000 | 570,000*** | 800,000*** |
| MINI-WAREHOUSE | 6.5 | | | 80,000**** | 80,000**** |
| <u>GROUP CARE HOME*****</u> | | | | <u>150 beds</u> | <u>150 beds</u> |
| OPEN SPACE (ROADS, RIGHT-OF- WAY, CONSERVATION, PRESERVATION, ETC.) | 113.13 | | | | |

- * Office space may include up to 85,000 square feet of medical office. Office entitlements have been removed from Parcel G for a total reduction of 125,000 sq. ft. of office space. The reduction of office entitlements was requested by the owner of Parcel G and approved by the Board of County Commissioners on December 17, 2013 (Ordinance 13-25). No entitlements have been taken from any other Parcel in the DRI at that time.
- ** Construction of the initial 50,000 sq. ft. of Mini-Warehouse was acknowledged within the RY 2007-08 Annual Report. The Annual Report reflected that 50,000 sq. ft. of Mini-Warehouse was equivalent to 24,000 sq. ft. of Commercial. As appropriate, this amount of Commercial has been deducted from the Phase IV and overall Commercial entitlements reflected in this Table for the project (Ordinance 12-15). A total of 10,000 sq. ft. of commercial space have been removed from the commercial entitlements in Parcel MU. The reduction of commercial entitlements was requested by the owner of Parcel MU and approved by the Board of County Commissioners on April 3, 2014 (Ordinance 14-04). No entitlements have been taken from any other Parcel in the DRI at that time.
- *** 150,000 sq. ft. reduction of industrial entitlements was requested by the master developer and approved by the Board of County Commissioners on December 4, 2008 [Z-84-76(R8)].
- **** Mini-Warehouse consists of 50,000 sq. ft. constructed during 2007-08 as well as the 30,000 sq. ft. expansion proposed with Ordinance 12-15.
- ***** Commercial acreage includes Hotel and Office to reflect acreage of mixed use, non-residential parcels. The acreage of the Commercial only parcels is 71.9 acres and the Mixed Use parcel is 65.73 acres.
- ***** Group Care Home has been included as an allowable use in Parcel MU (Ordinance 14-04).

Staff has no objection to the above proposed modification since:

- The number of external peak hour trips has not been increased. The traffic analysis provided by the applicant indicates that the proposal to change the use to residential (150-bed assisted living facility) will generate less PM peak-hour trip than 10,000 of commercial space, and will not create any additional transportation impacts. Parcel MU and C-4 has a valid CLOS (CLOS-04-110) and will expire on 02/24/2018.
- The proposed use (Group Care Home) is compatible with the development patterns in the nearby area. Group care home is a residential use allowed in commercial and office zoning districts. The surrounding area to the south and southeast is developed with commercial and offices uses, to the west is the Interstate, and to the east there are vacant lots with commercial and office entitlements.
- The conservation areas and open spaces within the Creekwood DRI have not been reduced.

Conclusion

Staff recommends approval of the amendments as shown in strike-thru/underline format in the attached ordinance.

ATTACHMENTS:

1. Ordinance 14-04
2. Map H
3. Traffic Impact Statement
4. Copy of Newspaper Advertising