

B.C.C.: 05/02/2019

PDR-18-22(P) – Oaks at Creekside / SR 70 LAND BRADENTON, LLC
(PLN1810-0023)

An Ordinance of the Board of County Commissioners of Manatee County, Florida, regarding land development, approving a Preliminary Site Plan for 96± multi-family units with at least 25% of the units designated as affordable housing; the ±16.33 acres site is zoned PDR (Planned Development Residential), within the RES-9 (Residential - 9 Dwelling units per acre) Future Land Use Category, and is generally located on the north side of SR 70 approximately 650 feet east of 33rd Street East at 3505 53rd Avenue East, Bradenton (Manatee County); subject to stipulations as conditions of approval; setting forth findings; providing a legal description; providing for severability, and providing an effective date.

P.C.: 04/11/2019

B.O.C.C.: 05/02/2019

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.4, and D.1-D.4, as recommended by the Planning Commission.

(Commissioner Servia)

PLANNING COMMISSION ACTION:

On April 11, 2019, by a vote of 5 – 0, the Planning Commission recommended approval. Mr. Smock and Mr. DeLesline were absent.

PUBLIC COMMENT AND CORRESPONDENCE:

April 11, 2019 Planning Commission

Public Comments

Kelly Helm, Manatee Oaks resident, expressed concern with lack of public notice about the request, decrease in property values, and possibility of increased traffic and noise.

Lenworth and April Dacas, Manatee Oaks residents, expressed concern with the project's effect on his quality of life due to the building height (no privacy), property value, and possibility of Section 8 rentals.

Mark Bolno, Manatee Oaks residents, questioned public mail notice requirements because the affected homeowners were not given enough notice to prepare to discuss their concerns. He further discussed with the possibility of the extension of 51st and lack of noise barriers, and environmental concerns, property values and safety. He suggested the matter be delayed.

Stephen M. Holion expressed concern with parking.

Discussion ensued about the affordable housing regulations and mail notice requirements.

Nothing was entered into the record.

PROJECT SUMMARY	
CASE#	PDR-18-22(P) (PLN1810-0023)
PROJECT NAME	Oaks at Creekside
LAND OWNER	SR 70 Land Bradenton, LLC
APPLICANT(S) / AGENT:	Rodrigo Paredes
PROPOSED ZONING	N/A
EXISTING ZONING	PDR (Planned Development Residential)
PROPOSED USE(S)	96 multi-family dwelling units designated as 100% affordable housing (to be located in 4 buildings)
CASE MANAGER	Rossina Leider, Principal Planner
STAFF RECOMMENDATION	APPROVAL with stipulations

DETAILED DISCUSSION

History:

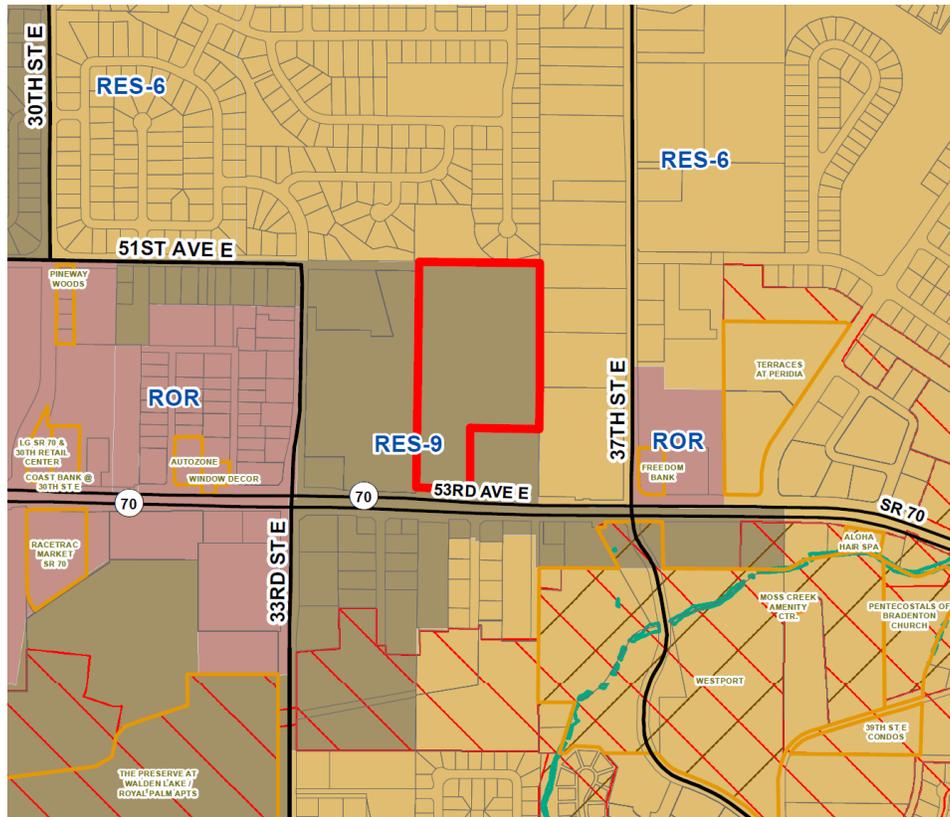
In 09/06/2007, the Board of County Commissioners rezoned the subject property from A-1 (Suburban Agriculture) to PDR (Planned Development Residential) and approved a Preliminary Site Plan to allow 96 multi-family units in 12 buildings with at least 10% of the units designated as workforce housing [PDR-06-69(Z)(P) – SR 70 Investments, LLC / Oaks at Creekside]. The site plan expired with no construction or development taking place.

Request, including Detailed Discussion:

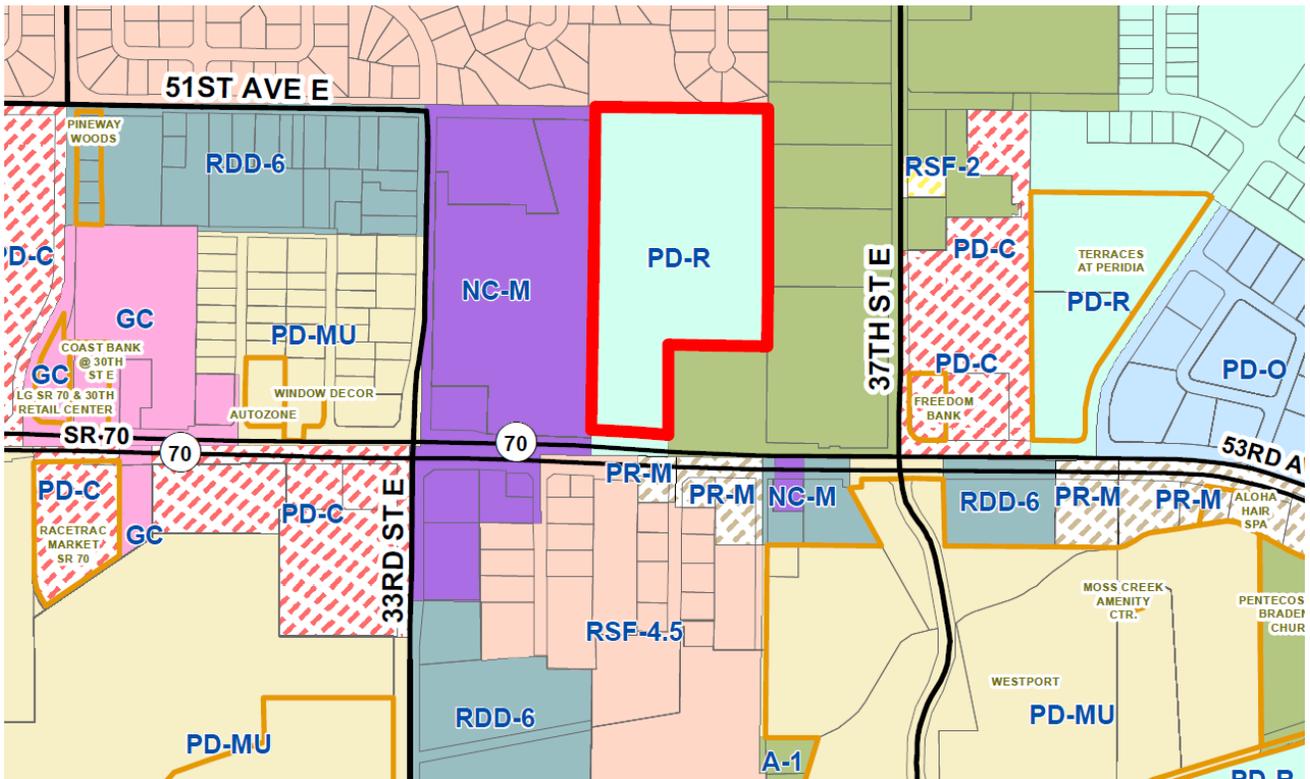
The request is to approve a Preliminary Site Plan for 96 multi-family units (4 buildings) with 100% of the units designated as affordable housing.

The ±16.33 acres site is located on the north side of SR 70 approximately 650 feet east of 33rd Street East at 3505 53rd Avenue East, Bradenton (Manatee County). The site is a vacant residential property zoned PDR (Planned Development Residential) and within the RES-9 (Residential – 9) Future Land Use Category (FLUC).

FUTURE LAND USE



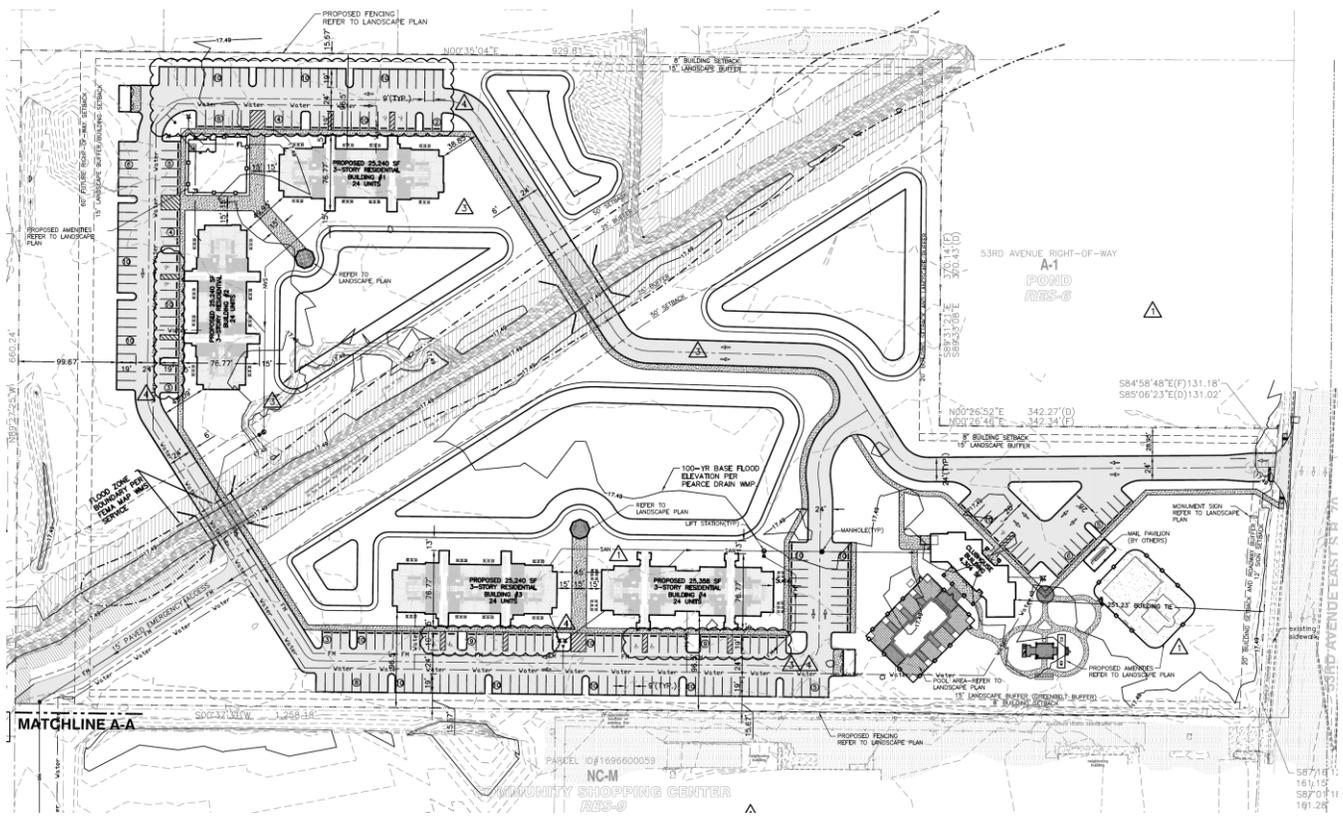
ZONING



The applicant submitted a site plan which includes the following: (See Preliminary Site Plan below)

- 96 multi-family units to be in 4 buildings (24 units per building). Two (2) buildings are located on the northeast corner of the site, and other two (2) on the west side of the property.
- 100% of proposed units are designated affordable housing. Units sizes varies from 673 sq. ft. to 1,150 sq. ft.
- Gross and net density of 5.88 du/acre and 6.23 du/acre, respectively (9 du/acre gross and 16 du/acre maximum density allowed within RES-9 FLUC).
- Approximately 66% of open space (10.74 acres) exceeding the minimum requirement for a project in the PDR zoning district (25%).
- Recreational facilities on the southwest corner of the site include clubhouse (4,304 sq. ft.), pool, pavilion, and playground area, as well as two (2) gazebos on the rear of the residential buildings and a dog park.
- A maximum building height of 35 feet. Multi-family buildings will be 3-story structures.
- One full access point along SR 70 (classified arterial roadway), and a 15-foot wide emergency access at the northwest corner of the property connecting to the future R-O-W of 51st Avenue East.
- Internal driveways (24 feet wide two-way) providing internal and external connectivity.
- Existing external sidewalk along SR 70, and interior pedestrian walks (5 feet minimum width) to interconnect the proposed structures with parking areas, and external sidewalk.
- 236 parking spaces, including 9 handicapped spaces (minimum required 222 spaces to satisfy the requirement for multi-family units and recreational facilities).
- Four (4) stormwater facilities on both sides of the Manatee Oaks Tributary.
- Adequate buffers, screening, and landscaping:
 - o Roadway buffer along SR 70 (20 feet wide).
 - o Perimeter buffer (15 feet wide) along to the east, north and west boundary.
 - o Landscaped vehicular use area and foundation landscaping.

PRELIMINARY SITE PLAN



PDR 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. The proposal complies with all applicable regulations of the LDC and policies of the Comprehensive Plan. No Specific Approvals and/or “a density bonus” for a project with more than 25% of the units designated as affordable housing have been requested.

Staff recommends approval of this request with stipulations.

SITE CHARACTERISTICS AND SURROUNDING AREA

ADDRESS	3505 53 rd Ave E, Bradenton, 34203 (Parcel ID 1696500055)	
GENERAL LOCATION	Generally located on the north side of SR 70, approximately 650 feet east of 33 rd Street East	
ACREAGE	±16.33 acres	
EXISTING USE(S)	Vacant residential land /Undeveloped	
FUTURE LAND USE CATEGORY(S)	RES-9 (Residential - 9)	
OVERLAY DISTRICT	Not Applicable	
DENSITY	Allowed: (max) Gross: 9 du/acre Net: 16 du/acre	Proposed: Gross: 5.88 du/acre Net: 6.23 du/acre
SPECIFIC APPROVAL(S)	None	
	SURROUNDING ZONING	USES
NORTH	RSF-4.5 (Residential Single-Family – 4.5 du/acre)	Single-family residences (Oakmont & Manatee Oaks subdivisions)
SOUTH	A-1 (Suburban Agriculture)	FDOT stormwater pond
	Across SR 70: RSF-4.5 (Residential Single-Family 4.5 du/acre) and PR-M (Professional - Medium)	Single-family residences, place of worship (Church of Christ) , and professional office (Key Builders)
EAST	A-1 (Suburban Agriculture)	Single-family residences (Lazy B Ranches) and a recreational facility (John H. Marble Park)
WEST	NC-M (Neighborhood Commercial – Medium)	Shopping Center (Commercial uses at Manatee Town Center)

SITE DESIGN DETAILS

MINIMUM BUILDING SIZE(S)	Buildings 1, 2, & 3: 25,240 sq. ft. (76.77' x 165') (24 units) Building 4: 25,358 sq. ft. (76.77' x 175') (24 units)
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MINIMUM UNITS SIZE(S)	1-bedroom units: 673 sq. ft. 2-bedrooms units: 916 sq. ft. 3-bedrooms units: 1,150 sq. ft.	
SETBACKS (Minimum Required by LDC Sections 401.3, 402.7, & 1001.5)	Front: 20' Side: 8' Rear: 15' Separation between buildings: 15' Setback from drive aisles: 15' Setback from Wetland Buffer: 15'	
SETBACKS (Proposed)	Front (SR 70): 81.85' (Clubhouse) Side (East): 82.67' (Building 1) Side (West): 82.67' (Buildings 3 & 4) Rear (North): 106.67' (Building 2) Separation between buildings: 45' min. Setback from drive aisles: 24' Setback from sidewalk: 0' (semi-enclosed staircases only) Wetland Buffer: N/A (no wetlands on site)	
BUILDING HEIGHT	35' maximum (3-story)	
OPEN SPACE	Required: 25% (4.08 acres)	Proposed: 65.77% (10.74 acres)
RECREATIONAL ACREAGE	0.30 acres	
RECREATIONAL AMENITIES	Clubhouse w/pool, picnic pavilion, playground, tennis court, and gazebos	
ACCESS	<ul style="list-style-type: none"> • One (1) along SR 70 • One 15' emergency access at the northwest corner of the property 	
PARKING (See Parking calculations on page 12)	<p><u>Required.</u> 222 parking space (including 7 handicap spaces) as follows:</p> <ul style="list-style-type: none"> • Multi-family: two (2) parking spaces per dwelling unit plus one (1) space per every ten (10) units for guest = 202 spaces • Recreational facilities: according table 10-2 = 20 spaces <p><u>Provided.</u> 236 spaces (including 9 handicapped spaces)</p>	
FLOOD ZONE(S)	Project site lies in Zones "X" (areas outside of the 100-year floodplain delineation) and "A" (areas within 100-year floodplain delineation, Base Flood Elevation [B.F.E.] not determined) per FIRM Panel 12081C0309E, effective 3/17/2014. The project area is outside of the limits of the County 25-year Floodplain Study. (Refer to Stipulation C.1 & C.3)	
AREA OF KNOWN FLOODING	Yes, rainfall. The property is subject to a 50% reduction in the allowable pre-development rate of discharge. Watershed/Basin: Pearce Drain Watershed. (Refer to Stipulation C.2)	
UTILITY CONNECTIONS	<p>The following water and wastewater facilities are in the vicinity of this development project:</p> <p><u>Water:</u> 8" PVC potable water main along 51st Avenue East</p> <p><u>Sewer:</u> 10" PVC sanitary gravity sewer along 51st Avenue East</p> <p><u>Reclaimed:</u> None available.</p>	

ENVIRONMENTAL INFORMATION

Overall Wetland Acreage	None
Proposed Wetland Impacts	None

Wetlands

A 2006 wetland jurisdictional determination was done by SWFWMD and did not identify any jurisdictional wetlands on-site, only upland cut surface waters. Although expired, site conditions have not changed. The upland cut surface water is basically the ditch and constitutes approximately 0.84 acres (5%).

Uplands

The environmental consultant has identified two classifications of uplands on the forested site. Pine Flatwoods with a predominant pine canopy and typical overgrown understory with some invasive, covers 8.96 acres (55%). Upland Hardwood Forest with a canopy of oak species and similar understory species constitutes 6.53 acres (40%).

Endangered Species

The site was investigated for listed species through both direct observation and data review. No protected nor listed wildlife species were observed on site. However, suitable gopher tortoise habitat was identified, and a gopher tortoise survey is recommended prior to clearing on the site.

Trees

The site has an extensive canopy cover of pines, oaks and palm trees. Tree removal and replacement information will be supplied with the final site plan submittal in accordance with LDC Section 700 and 701.

Landscaping/Buffers

Landscaping will be reviewed in detail during the final site plan process. The applicant is proposing a 20' roadway buffer along S.R. 70 (south boundary), and 15' greenbelt perimeter buffers along north, east, and west property boundaries.

NEARBY DEVELOPMENT

RESIDENTIAL

PROJECT	LOT/UNITS	DENSITY (du/acre)	FLUC	YEAR APPROVED
Terraces at Peridia (Affordable Housing Project)	61 units	7.13	RES-6	2016
Westport	158 lots	3.6	RES-6	2016
The Preserve@ Walden Lake	216 units	5.61	RES-9	2014
Sabal Cove Apartments	242 units	6.9	RES-9	2001
Manatee Oaks III	106 lots	2.25	RES-6	1989
Oakmont	40 lots	2.66	RES-6	1981

NON-RESIDENTIAL

PROJECT	SQ. FT.	FAR	FLUC	YEAR APPROVED
RaceTrac	6,000 sq. ft convenience store & 18 fueling stations (10,000 sq. ft. canopy)	0.10	ROR	2014
First Bank (fka Coast bank)	3,195 sq. ft. office	0.18	ROR	2005

Sothorn Self Storage	78,513 mini-warehouse	0.27	ROR	2003
SAM'S Club	132,238 sq. ft. commercial	0.14	ROR	2002
Walmart Super Centre	205,184 sq. ft. commercial	0.17	ROR	1996
Manatee Town Center	73,438 sq. ft. commercial	0.14	RES-9	1988

COMPLIANCE WITH LDC				
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Standard(s) Required	Design Standard	Compliance		Comments
		Y	N	

BUFFERS & LANDSCAPING				
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20' roadway buffer (south property line along SR 70)	20'	Y		Shown. Meets standard
15' Perimeter buffer (along east property line)	15'	Y		Shown. Meets standard
15' Perimeter Buffer (along west property line)	15'	Y		Shown. Meets standard
15' Perimeter Buffer (along north property line)	15'	Y		Shown. Meets standard
Buffer & 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

TREES				
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Tree removal and replacement	Not required to be shown at PSP			It will be in compliance with LDC Section 700 and provided at FSP
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SIDEWALKS				
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5' external sidewalks	5' wide sidewalk along SR 70 (existing)	Y		Shown
5' internal sidewalks (or walkways)	5' minimum	Y		Shown

DRIVEWAYS, ROADS & RIGHTS-OF-WAY				
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24' internal driveways (two-way)	24'	Y		Shown. Meets standard
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TRANSPORTATION				
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Major Transportation Facilities

The site is located north of SR 70, west of 33rd Street East, and south of future 51st Avenue East. In the Comprehensive Plan's Future Traffic Circulation Plan, SR 70 is designated as a six-lane arterial with a right of way width determined by FDOT. 51st Avenue East is designated as a two-lane collector roadway with a planned right of way width of 84 feet. Staff provided a right of way needs determination that allows for site design based on a 60-foot wide planned right of way for this roadway.

Transportation Concurrency

Transportation concurrency was evaluated as part of the review of this project. The Applicant prepared a Traffic Impact Statement (TIS) to determine impacts to segment of SR 70 adjacent to the project site. The accepted study concluded the impacted roadway segments are expected to operate at or above the adopted level of service (LOS) D

standard with no off-site concurrency-related improvements required to mitigate project impacts (See Certificate of Level of Service Compliance table below).

Access

In conjunction with transportation concurrency, a review of access issues was undertaken by County staff. The site has access via a right-in/right-out driveway to SR 70. Staff’s review did not indicate that any access-related improvements will be required.

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

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

NEAREST THOROUGHFARE	LINK(S)	ADOPTED LOS	FUTURE LOS (W/PROJECT)
SR 70	3102	D	D

OTHER CONCURRENCY COMPONENTS

Solid waste landfill capacity and preliminary drainage intent have been reviewed with the preliminary site plan. Potable water and waste water will be reviewed at the time of final site plan.

POSITIVE ASPECTS

- In-fill site currently zoned for residential use (PDR).
- The site has frontage and direct access to SR 70 (classified arterial roadway).
- The project will provide the county with 96 units of affordable housing.
- The site is adjacent to an existing County recreational facility (John H. Marble Park).
- The design provides approximately 66% of open space.
- Recreational amenities have been proposed (clubhouse with pool, tennis court, and gazebos).
- The nearby area is served by public transportation.
- No specific approval has been requested.

NEGATIVE ASPECTS

- A large number of trees (oaks, pines, and palms) may be impacted by the development.
- There may be potential negative impacts relative to lights, glare, and noise from parking areas to adjacent single-family units to the north and east.

MITIGATING MEASURES

- Tree removal and replacement will be analyzed in detail at FSP submittal in accordance with LDC Section 700 and 701.
- The Preliminary Site Plan shows an emergency access on the northwest corner of the site to provide for an additional means of ingress/egress in case of any evacuation order or/and emergency.
- A Lighting Plan in compliance with the LDC regulations will be submitted at time of FSP to ensure that people and adjacent properties are protected from the nuisance and harm of excessive or inadequate outdoor lighting.
- The design provides adequate buffers width and screening adjacent to single-family units to achieve compatibility and mitigate potential impacts.

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

No remaining issues.

SPECIFIC APPROVALS – FINDINGS

No Specific Approval has been requested.

**COMPLIANCE WITH THE LAND DEVELOPMENT CODE
Factors for Reviewing Proposed Site Plans (Section 402.7)**

Physical Characteristics, Natural Features, Conservation and Preservation Areas

The ±16.33acre site consists of one (1) parcel with ±300 feet of frontage along SR 70 (south boundary). The north boundary of the site abuts the right-of-way of future 51st Avenue East extension (±660 feet in length). The site has an extensive canopy cover of pines, oaks and palm trees. There are no wetlands, and no evidence of listed species. The floodway of a Pearce Drain tributary traverses the project site with direction northwest- southeast, but the project area is outside the limits of the County 25-year Floodplain Study, as well as outside of the Coastal High Hazard Area (CHHA) and Coastal Evacuation Area (CEA) Overlay Districts.

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 project area. Reclaimed water is not currently available in the vicinity. Irrigation for landscaping shall use the lowest water quality source available, which shall be identified at Final Site Plan stage.

Compatibility

The proposed multifamily development is compatible with the surrounding uses and development trends of the nearby area. To the north and east the project is surrounded by single-family residences zoned RSF-4.5 and A-1, as well as a County recreational facility (John H. Marble Park) within the A-1 zoning district. To the west is Manatee Town Center Shopping Center zoned NC-M (Neighborhood Commercial Medium). To the south is a FDOT stormwater pond zoned A-1, and across SR 70 are single-family homes and a church zoned RSF-4.5, and an office zoned PR-M (Professional-Medium).

Future residents of the project will be served by the John H. Marble Park recreational facilities, as well as the existing diverse commercial retail, offices, and restaurant businesses located to the west, and south of the project site.

PDR zoning requires approval of a site plan by the Board of County Commissioners. PDR zoning provides greater flexibility for the project to establish appropriate buffers, heights, and setbacks to help achieve compatibility and appropriate transition with surrounding properties. Specifically, the project design complies with applicable regulations related to buffer widths and screening, establishes adequate setbacks from adjacent residential and commercial properties, and the proposed height (35 feet maximum) should not create any external negative impact that would affect surrounding developments.

Transitions

The timing of this request appears to be consistent with the growing development trends in the surrounding area. The site is located along the north side of an arterial thoroughfare (SR 70) within an area which has been substantially developed with a mix of residential, commercial and service uses. To the west, in the immediate vicinity of the site there are existing restaurants and commercial retail businesses. To the south, across SR 70, there are single-family residences, a church, and professional offices. To the north and east, there are single-family residential homes and a County recreational facility. Transition between existing residential, commercial, and recreational areas and the proposed multifamily site is provided through adequate setbacks, landscape buffers and screening.

Design Quality, Streets and Driveways

The proposed preliminary site plan includes a total of 96 multifamily units in 4 buildings (24 units by building). The 3-story buildings (35 feet height maximum) are arranged along private driveways, with parking areas on front of the multi-family structures and open space on the rear. The design of the buildings includes semi-enclosed staircases that are extended from the main body of the building structure to the sidewalk, and are aligned with pathways

providing for a safe and comfortable connection between parking areas and the buildings.

There is proposed a main access point along SR 70, as well as a 15' wide paved emergency access on the northwest corner of the site connecting to the future R-O-W of 51st Avenue East and allowing ingress/egress to the property in case of an emergency event. No new streets are proposed, and the site plan shows "two-way" driveways (24' wide) proving internal connectivity. Stormwater facilities (4 in total) will be on both sides of the Pearce Drain tributary.

Recreational facilities including a clubhouse, pool, playground area, and picnic pavilion, as well as associated parking area are shown on the south portion of the project, close to the main project entrance (SR 70). Also, there are proposed two (2) gazebos and a dog park.

Schools

The site is within the School Service Area 3 (SSA-3). The schools serving the area are Tara Elementary, King Middle, and Braden River High School. The Manatee County School Board report indicates the following:

- The proposal for 96 multi-family dwelling units triggers a generation of 17 potential students: 10 students in elementary school, 3 students in middle school, and 4 students in high school.
- School capacity is available within the SSA-3 or contiguous SSA.
- The proposed development is not located within the two-mile walking radius of potential future school sites.

The Interlocal Agreement for Public School Facility Planning provides for the coordination between the four municipalities in Manatee County, the County and the School Board in regard to certain types of applications for residential development: Comprehensive Plan amendments providing for any increase in residential density; Zoning map amendments regarding permissible residential development and approvals for or amendments to development plans for residential development that authorize the new construction of 10 or more residential units.

The School Board is required to provide through their staff a written report that addresses specific items regarding school planning. The local government is required to enter the School Report containing a preliminary statement of available and projected school capacity, among other matters, into the public hearing record for the application. (School Report dated 01/31/2019 is attached to this Staff Report).

The Interlocal Agreement provides that unless the application is for a DRI development order or a local development agreement, the proposed residential development shall be eligible to receive a concurrency determination, as defined in the Interlocal Agreement, concurrent with authorization for commencement of horizontal construction or vertical construction, whichever occurs first. The school capacity and demand calculations and any actions that may be required to maintain the level of service standards are made by the appropriate entity at this later stage in the development review process, as required by the Interlocal Agreement.

Parking and Service Areas

A total of 222 parking spaces (202 spaces for the multi-family units & 20 for recreational amenities) and 22 bicycle rack spaces are required per LDC Sections 1005.3.A, Table 10-1 (Parking Ratios), and Table 10-3 (Bicycle Parking Space Requirements) as shown below:

- Multi-family (96 units): two (2) parking spaces per dwelling unit plus one (1) space per every ten (10) units for guest = 202 spaces
- Clubhouse (4,304 sq. ft.): one (1) parking spaces/300 sq. ft. = 15 spaces
- Pool (548 sq. ft.): one (1) space/200 sq. ft. = 3 spaces
- Tennis court: two (2) spaces/ court = 2
- Handicap spaces: 7 per parking facilities between 201 and 300 parking spaces
- Bicycles rack spaces: 10% of the total required parking = 22

A total of 236 spaces (including 9 handicapped spaces) are proposed, and the required bike spaces will be shown at FSP. The proposal meets required parking minimums and does not exceed the maximum allowed parking ratio (1.1 of the total minimum required parking spaces = 244 spaces maximum).

Pedestrian Systems

The design provides adequate pedestrian circulation. The preliminary site plan shows the existing 5' sidewalk along SR 70. Additionally, 5' wide sidewalks have been proposed on front of buildings (multifamily and clubhouse), and minimum 5' wide walkways along one side of drive aisles providing internal connectivity between principal residential

structures, recreational facilities, parking areas, and external sidewalk in compliance with the LDC Section 1001.6.A.4.

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.

Density

The applicant proposes a maximum of 96 dwelling units for a gross and net residential density of 5.88 du/acre and 6.23 du/acre, respectively. Although the project is a 100% affordable housing development eligible to request “density bonus”, proposed densities are below the maximum threshold allowed within the RES - 9 FLUC,

Height

The site plan indicates that the maximum proposed height will be 35 feet (maximum 3-story structure). This height should not create any external negative impact that would adversely affect surrounding developments. Elevations of proposed buildings have been provided showing that the design incorporates articulation of architectural elements as windows location, varied roof lines, paint and exterior finishes, as well as pedestrian scale through the use of entry features that project out from the main structure.

Fences, Screening, and Landscaping

No fences are contemplated with this proposal. The Preliminary Site Plan shows the following:

- Roadway buffer: 20' along to SR 70 (south boundary) with 2 canopy trees and 33 shrubs per 100 linear foot.
- Perimeter buffer: 15-foot wide along north, east and west boundaries are shown on the PSP, planting according LDC 402.7.D.7 (1 canopy tree every 30 linear feet planting on center).
- Vehicular use area: 4 canopy trees and 360 sq. ft. of planting area for every 20 spaces. A minimum of 48 trees and 4,302 square feet of landscaped area will be provided.
- Foundation landscaping: 20 sq. ft. per 1,000 sq. ft. of gross building area for a total of 524 sq. ft. (minimum) of foundation landscaping.

Yards and Setbacks / Relationship to Adjacent Properties

The proposed buildings will be adequately separated from adjacent property lines. The following chart includes the minimum setback requirements per LDC Section 402.7 - PDR Zoning District as well the proposed setbacks shown in the site plan:

Yards and Setbacks				
Type	Front (SR 70)	Side (East)	Side (West)	Rear (North)
Required per LDC Section 402.7	20'	8'	8'	15'
Proposed per site plan (min.)	251.23'	82.67'	82.67'	106.67'

As previously mentioned, the buildings' design includes semi-enclosed staircases which project out of the main structures, adjacent to the sidewalks, and aligned with pathways to the parking areas. This architectural feature will provide an agreeable and safe transition from the parking areas to the buildings.

The site plan complies with all applicable setbacks, exceeding in all instances the minimum requirements of LDC Sections 402.7 as shown on the above chart. In addition, the buildings will be separated at least 24 feet from the drive aisles exceeding the minimum requirements of LDC Section 1001.5 (15 feet minimum for residential buildings).

Trash and Utility Plant Screens

The site plan shows two designated areas for the location of dumpsters on the northeast portion and west side of the site. 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

The entire project presently drains into Pearce Drain Watershed. A watershed study of Pearce Drain is presently underway through Manatee County and Southwest Florida Water Management District (SWFWMD). Pearce Drain Watershed is identified by the County as a flood prone area. This watershed has been subject to 50% reduction of the allowable pre-development rate of discharge since April 29, 1998.

The proposed stormwater system will consist of four (4) stormwater retention ponds to provide water quality treatment and attenuation of runoff for the proposed construction of onsite development. The proposed stormwater system will be required to comply with stormwater conditions (C1 through C4) included within the staff report, including 50% reduction in allowable pre-development rate of runoff. In addition, this project will be required to provide mitigation for impacts (fill) within the FEMA 2014 FIRM 100-year floodplain through floodplain compensation and demonstration of no adverse impacts, as well as the dedication of a drainage easement for Manatee Oaks Tributary.

Site lies in Zones "X" and "A". A portion of the project site is within the FEMA 2014 FIRM 100-year floodplain. The project area is outside of the limits of the County 25-year Floodplain Study.

Proposed stormwater management facilities will be required to meet included stormwater engineering stipulations, Sections 801 and 802 of the Land Development Code, in addition to the Stormwater Design Manual. Final stormwater engineering design and drainage calculations will be provided and reviewed with the Final Site Plan and Construction Plan submittals.

Open Space

The site plan shows 65.77% of open space (10.74 acres), exceeding the minimum required open space (25% or 0.408 acres).

COMPLIANCE WITH 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 a mix of residential, commercial, office, and services uses.

Policy 2.2.1.11.1 Intent. The proposed use is consistent with the intent of the RES-9 FLUC which includes medium-density multifamily uses.

Policy 2.2.1.11.2 Range of Potential Uses. The range of potential uses within RES-9 FLUC includes medium density residential and high density clustered residential uses. The proposed residential multi-family development is consistent with the range of potential uses for projects within the RES-9 FLUC.

Policy 2.2.1.11.3 Range of Potential Density. The proposed density (5.88 du/acre gross and 6.23 du/acre net) is below to the maximum allowed threshold for a project in the RES-9 FLUC (9 du/acre and 16 du/acre).

Policy 2.6.1.1 Compatibility. The Preliminary Site Plan design is compatible with residential and commercial uses of the nearby area. 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 approximately 66% open space (10.74 acres) exceeding the minimum requirement (25%).

STAFF RECOMMENDED STIPULATIONS

A. DESIGN AND LAND USE STIPULATIONS

1. The applicant shall enter into a land use and deed restriction agreement with the County to provide for the designated number of affordable housing units in accordance with Section 545.2 of the Land Development Code. A minimum of 25% of the units shall be retained as affordable housing (24 units).
2. No detention or retention ponds shall be constructed within landscape buffers or greenbelt buffers.
3. The height of the structures shall not exceed 35 feet. Proposed multi-family buildings shall be in conformance with the elevations entered into the records (Attached as Exhibit B). Building elevations shall be provided with the Final Site Plan for review and approval.
4. Emergency access point within the project shall be accessible to emergency providers in accordance with the requirements of applicable County ordinances and resolutions.
5. All dumpsters, compactors, and other utility equipment shall be screened from view from adjacent properties with a six-foot high wall constructed with building materials matching the principal structures.
6. All roof mounted HVAC equipment shall be screened from view from SR 70, 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.
7. Any significant historical or archeological resources discovered during development activities shall be immediately reported to the Florida Department of State, Division of Historical Resources, and treatment of such resources shall be determined in cooperation with the Division of Historical Resources, and the County. The final determination of significance shall be made in conjunction with the Florida Department of State, Division of Historical Resources, and the County. The appropriate treatment of such resources (potentially including excavation of the site in accordance with the guidelines established by the Florida Department of State, Division of Historical 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 (Offenses Concerning Dead Bodies and Graves) shall be followed.
8. Bicycle spaces racks will be provided and shown at Final Site Plan in accordance with LDC Table 10-3 (Bicycle Parking Space Requirements).

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

C. STORMWATER ENGINEERING STIPULATIONS

1. Pursuant to Section 801 and 802 of the Land Development Code, the subsequent Final Site Plan and Construction Plan submittal(s) and associated Drainage Modeling shall demonstrate that no adverse impacts will be created to neighboring properties surrounding the site with respect to proposed impacts to the established 100-year floodplain and post-development discharge of runoff.
2. The Engineer of Record (EOR) shall submit drainage modeling to demonstrate the allowable pre-development rate of discharge has been reduced by fifty (50) percent for Pearce Drain Watershed.
3. 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 or drainage modeling shall utilize the preliminary Pearce Drain Watershed Study to demonstrate, in post-development condition, that no adverse impacts are created to adjacent property.
4. A Drainage Easement shall be dedicated to Manatee County and be provided within the project boundaries for Manatee Oaks Tributary (county designated maintenance system “E-50”), and 25 feet Drainage-Maintenance Access Easements shall be provided along both sides of this drainage system. In addition, a Drainage Easement shall be dedicated to Manatee County and be provided within the project boundaries for the drainage conveyance system from 37th Street East (county designated maintenance system “E-69”), and a 20 feet Drainage-Maintenance Access Easement shall be provided along the south side of this drainage system. Manatee County is only responsible for maintaining the free flow of drainage through these systems.

D. ENVIRONMENTAL STIPULATIONS

1. There are no impacts to jurisdictional wetlands or wetland buffers being approved by the adoption of this ordinance.
2. A 100 percent Gopher Tortoise (*Gopherus polyphemus*) survey shall be conducted within 90 days of construction. Prior to commencement of construction, the applicant shall demonstrate there is no requirement to obtain permits for the relocation of Gopher Tortoises on-site, or, if there is a need to, provide copies of the proper Florida Fish and Wildlife Conservation Commission (FWCC) permits, and maps showing locations of all burrows and any encounters, to Environmental Review Section staff.
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 of the LDC.
4. Irrigation for landscaping shall use the lowest water quality source available, which shall be identified on the Final Site Plan.

ATTACHMENTS

1. **Applicable Comprehensive Plan Policies**
2. **Staff Report Maps**
3. **Preliminary Site Plan**
4. **Building Elevations (Exhibit B)**
5. **Affordable Housing Designation**
6. **Traffic Impact Statement Approval Letter**
7. **School Report (dated 01/31/2019)**
8. **Florida Department of Environmental Protection (FDEP) – Site Rehabilitation Condition Order**
9. **Newspaper Advertising**
10. **Ordinance PDR-18-22(P)**

APPLICABLE COMPREHENSIVE PLAN POLICIES

Policy 2.1.2.7.	Review all proposed development for compatibility and appropriate timing of development. this analysis shall include the following: <ul style="list-style-type: none"> • Consideration of existing development patterns; • Types of land uses; • Transition between land uses; • Density and intensity of land uses; • Natural features; • Approved development in the area; • Availability of adequate roadways; • Adequate centralized water and sewer facilities; • Other necessary infrastructure and services; • Limiting urban sprawl; • Applicable specific area plans; • (See also policies under Objectives 2.6.1—2.6.3).
Policy 2.2.1.13.	RES-9: Establish the Residential-9 future land use category as follows:
Policy 2.2.1.13.1.	Intent: To identify, textually in the Comprehensive Plan's goals, objectives, and policies, or graphically on the Future Land Use Map, areas of medium density residential development and complementary support uses normally utilized during the daily activities of residents of these urban areas.
Policy 2.2.1.13.2.	Range of Potential Uses (see Policies 2.1.2.3—2.1.2.7, 2.2.1.5): Primarily medium density residential and high density clustered residential development, with support uses such as neighborhood commercial, office, public/semi-public, recreation and school uses. See also Objectives 4.2.1 and 2.10.4 .
Policy 2.2.1.13.3.	Range of Potential Density/Intensity:
	Maximum gross residential density:
	Nine (9) dwelling units per acre.
	Twenty (20) dwelling units per acre along designated Urban Corridors if a density bonus is approved.
	Twenty (20) dwelling units per acre for residential projects that designate a minimum of twenty-five (25) percent of the dwelling units as "Affordable Housing."
	Twenty (20) dwelling units per acre for mixed-use developments at activity nodes (see Policy 2.2.1.13.4).
	Properties within the CEA and CHHA are not eligible for the additional density offered for urban corridors, activity nodes and affordable housing.
	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-four (24) dwelling units per acre for residential projects that designate a minimum of twenty-five (25) percent of the dwelling units as "Affordable Housing."
	Twenty-four (24) dwelling units per acre for mixed-use developments at activity nodes (see Policy 2.2.1.13.4).
	Maximum "net" densities shall not apply to projects within designated Urban Corridors and may not apply to clustered development in the WO or CHHA Overlay Districts, pursuant to Policies 2.3.1.5 and 4.3.1.5.
	Maximum floor area ratio:
	0.35.
	1.00 inside the UIRA and within designated Urban Corridors.
	1.00 at activity nodes (see Policy 2.2.1.13.4).
	Maximum Square Footage for Neighborhood Commercial Uses:
	Medium (One hundred fifty thousand (150,000) s.f.), subject to the Commercial Locational Criteria (see Policy 2.2.1.13.4).
Policy 2.2.1.13.4.	Other Information:
	(a) Generally, limit the use of the RES-9 future land use category on vacant land to locations that are adjacent to the

roadways shown on the Future Traffic Circulation: Functional Classification Map (Map 5B) as collector or higher.

(b)

In order to serve the neighborhood commercial needs within the RES-9 future land use category, activity nodes with neighborhood-serving commercial uses may be allowed subject to the Commercial Locational Criteria (see Land Use Operative Provisions and Objective [2.10.1](#)). Residential uses may also be permitted at nodes, but the higher densities noted in Table 2-1 and Policy 2.2.1.13.3 are only allowed in conjunction with a mixed-use development that includes a commercial component.

(c) Professional office uses within this category are exempt 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 (not including interstates), and meets all other commercial development standards and the goals, objectives, and policies in this Comprehensive Plan.

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.