

B.O.C.C. 10/6/2016

PDMU-16-11(Z)(P) – CCSS ENTERPRISES, LLLP / UNIVERSITY ALF
(DTS #20160225)

An Ordinance of the Board of County Commissioners of Manatee County, Florida, regarding land development, amending the official zoning atlas (Ordinance 15-17, the Manatee County Land Development Code), relating to zoning within the unincorporated area; providing for a rezone of approximately 8.5 acres on the north side of University Parkway, west of Shade Avenue, and commonly known as 2355 University Parkway, Sarasota (Manatee County) from A-1 (Suburban Agriculture) to the PDMU (Planned Development Mixed Use) zoning district; approving a Preliminary Site Plan for a 200 bed Assisted Living Facility and a commercial outparcel; subject to stipulations as conditions of approval; setting forth findings; providing a legal description; providing for severability, and providing an effective date.

P.C.: 09/08/2016

B.O.C.C.: 10/06/2016

RECOMMENDED MOTION:

Based upon the staff report, evidence presented, comments made at the Public Hearing, the action of 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** Manatee County Zoning Ordinance No. PDMU-16-11(Z)(P); **APPROVE** the Preliminary Site Plan with Stipulations A.1 - A.2, B.1- B.2, C.1, D.1 – D.4; making a **SPECIFIC FINDING** that the buildings for the Assisted Living Facility exceeding 35 feet in height are consistent with Land Development Code Section 402.7.D.9 in that the development, as stipulated, is compatible with the surrounding area and will not create any external impacts that would adversely affect surrounding development; and **GRANT** Special Approval for a project in the Mixed Use Future Land Use Category; as recommended by the Planning Commission.

(Commissioner DiSabatino)

PLANNING COMMISSION ACTION:

On September 8, 2016, by a vote of 6 – 0, the Planning Commission recommended approval.

PUBLIC COMMENT AND CORRESPONDENCE:

There was no public comment at the September 8, 2016 Planning Commission public hearing. A Traffic Impact Statement was entered into the record at the September 8, 2016 Planning Commission public hearing.

PROJECT SUMMARY	
CASE#	PDMU-16-11(Z)(P) (DTS #20160225)
PROJECT NAME	University ALF
APPLICANT(S):	CCSS Enterprises, LLLP
PROPOSED ZONING:	PDMU (Planned Development Mixed Use)
EXISTING ZONING:	A-1 (Suburban Agriculture)
PROPOSED USE(S):	200 bed Assisted Living Facility (ALF) and commercial outparcel
CASE MANAGER:	Branden Roe
STAFF RECOMMENDATION:	APPROVAL with Stipulations

DETAILED DISCUSSION

History: The subject property (±8.5 acres) is currently zoned A-1 (Suburban Agriculture).

Request: The current request is to rezone from A-1 (Suburban Agriculture) to PDMU (Planned Development Mixed Use) with a Preliminary Site Plan for a 200 bed Assisted Living Facility and a commercial outparcel. The entire site is in the MU (Mixed Use) Future Land Use Category (FLUC). This FLUC allows for a range of uses consisting of nonresidential uses including (but not limited to) retail, wholesale, office uses and light industrial, to residential uses of a suburban and urban nature. The MU FLUC allows a maximum gross density of nine (9) dwelling units per acre, with a maximum net density of twenty (20) dwelling units per acre.

The proposed ALF will be located on a ±6.62 acre portion of the subject property. The 200 bed ALF is proposed to be three (3) stories with a maximum building height of 45 feet, and a maximum building area of 180,000 square feet. Manatee County uses a 6:1 conversion ratio for beds to dwelling units, as such 200 beds / 6 = 33.3 dwelling units, which is rounded up to 34 dwelling units. Approximately 6.62 acres of the parcel are reserved for use by the ALF, and as such the proposed 200 beds results in a gross density of 5.14 dwelling units per acre. The applicant has requested Board approval for a height which exceeds 35 feet, and has provided preliminary conceptual elevations as required by LDC Section 402.7.D.9

The remaining ±1.88 acre portion of the parcel is proposed to be used for a commercial outparcel. The specific commercial use will be determined in the future. The applicant has established minimum required setbacks for the commercial uses; however, specific square footages and floor area ratios (FARs) will be determined when a future development application for the site is submitted. Any potential uses for the commercial outparcel will be limited to those not included in the proffered use limitations by the applicant as shown in Attachment 8. The future commercial use will be required to be consistent with square footage and FAR limits set by the MU FLUC, likewise, the future commercial use will have a maximum building height of 35 feet.

Staff recommends Approval with Stipulations.

SITE CHARACTERISTICS AND SURROUNDING AREA			
ADDRESS:	2355 University Parkway, Sarasota		
GENERAL LOCATION:	West of Shade Avenue, and north of University Parkway		
ACREAGE:	±8.5 acres		
EXISTING USE(S):	Vacant		
FUTURE LAND USE CATEGORY(S):	MU (Mixed Use)		
DENSITY:	5.14 dwelling units per acre (gross)* *Note: Density calculation is based on the ±6.62 acres of the site identified by the applicant for the ALF.		
SPECIAL APPROVAL(S):	(1) To allow a project in the Mixed Use Future Land Use Category.		
OVERLAY DISTRICT(S):	Entranceway		
SPECIFIC APPROVAL(S):	None		
SURROUNDING USES & ZONING			
NORTH	Residential – University Groves (PDMU)		
SOUTH	Vacant (PDC), University Parkway, Sarasota County		
EAST	University Health Park Medical Campus (PDO), University Commons DRI (PDMU), University Groves (PDMU)		
WEST	Shoot Straight (PDC), various LM, HM, PDI and PDR sites		
SITE DESIGN DETAILS			
SETBACKS	ALF	Front Side Rear Wetland Buffer Setback	20 feet 8 feet 15 feet 15 feet
	Commercial Outparcel	Front Side Rear	30 feet 15 feet 20 feet
MAXIMUM BUILDING HEIGHT	ALF	45 feet	
	Commercial Outparcel	35 feet	

OPEN SPACE:	ALF	Minimum Required: ±1.99 acres (30%) Provided: ±3.40 acres (±51.4%)
	Commercial Outparcel	Minimum Required: ±0.47 acres (25%)
ACCESS:	Parcel will draw access from Shade Avenue	
FLOOD ZONE(S):	Project site lies within Zones X and A with no base flood elevation determined per FIRM Panel 12081C0319E, effective 3/17/2014. If building encroaches in Zone A, the base flood elevation will need to be established.	
AREA OF KNOWN FLOODING:	Yes, rainfall.	
UTILITY CONNECTIONS:	County Water and Sewer	
ENVIRONMENTAL INFORMATION		
Overall Wetland Acreage:	1.60 acres	
Proposed Impact Acreage:	No Impacts	
<p><u>Wetlands</u> According to the Environmental Assessment/Protected Species Report provided by Boylan Environmental Consultants, there are 1.60 acres of Mixed Wetland Forest. The applicant has indicated that there are no impacts proposed to wetlands or wetland buffers and that the required 30' wetland buffers are being provided for the on-site wetlands. There are wetlands and wetland buffers within the 17' future right-of-way setback that, if improvements are required to be constructed within this setback that are necessary for this project, the applicant will be required to provide any required wetland mitigation.</p> <p><u>Uplands</u> According to site data on the site plan as well as the environmental narrative there is a total of 6.52 acres of native upland habitat within the project limits. Required native habitat (wetlands and uplands) has been calculated by staff, as well as the applicant, and they match with a minimum of 2.18 acres required and provided, as shown on the site plan sheets.</p> <p><u>Endangered Species</u> According to the Listed Species Report provided with the resubmittal, there were no signs of listed species present on-site when a field investigation was conducted on May 26, 2016. An updated species survey report will be required prior to Final Site Plan approval. A stipulation is provided to require this.</p> <p><u>Trees</u> The site plan reflects tree replacement calculations of 40 trees at 3" caliper per 1 acre of 100% canopy coverage for the entire areas to be cleared. Total acreage subject to this calculation appears to be 6.09 acres for a total of 244 replacement trees at 3" caliper. A stipulation is provided by staff to allow tree replacement details be addressed with the Final Site Plan.</p> <p><u>Landscaping/Buffers</u> According to the site plan, roadway buffers are provided at 20' as required in the Entranceway. Where the 17' future right-of-way setback is required along Shade Avenue, the roadway buffer is outside of this setback. Perimeter buffers have been provided at 5' or 10', as some of the adjacent uses are not currently known. The</p>		

landscape plan indicates that the project will be in compliance with Sections 700 & 701 of the LDC, which will be demonstrated with the Final Site Plan.

POSITIVE ASPECTS

- Project proposes the ALF to be located between the proposed commercial outparcel along University Parkway, and the single family residential located north of the subject property.
- Mixed Use Design is consistent with and contributed to the surrounding area’s mixture of uses.
- Located in an area with existing public services and facilities.

NEGATIVE ASPECTS

- None

MITIGATING MEASURES

- The project is rezoning to Planned Development which allows flexibility in the design of the project and the opportunity for the Board to include stipulations.

STAFF RECOMMENDED STIPULATIONS

A. DESIGN AND LAND USE STIPULATIONS

1. The architectural design of the buildings shall provide features in substantial compliance with those shown in the elevations provided to Staff and entered into the record at Public Hearing. Building elevations shall be provided with the Final Site Plan for review and approval.
2. The uses approved for this project are limited to those proffered by the Applicant in the Schedule of Uses attached to Zoning Ordinance PDMU-16-11(Z)(P) as Exhibit B.

B. STORMWATER ENGINEERING STIPULATIONS

1. This project shall be required to reduce the calculated pre-development flow rate by a full fifty percent (50%) for all stormwater outfall flow directly or indirectly into Pearce Drain. Modeling shall be used to determine pre- and post- development flows.
2. 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).

C. INFRASTRUCTURE 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.

D. ENVIRONMENTAL STIPULATIONS

1. Tree replacement shall be addressed with the Final Site Plan and may be achieved through a number of options, including replacement on-site, replacement on other property owned by the project owner or payment in lieu of.
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. A Management Plan, approved by the appropriate State or federal agency, shall be provided to the County for any listed species found on-site, prior to commencement of construction.
3. If wells are discovered during construction, a Well Management Plan for the proper protection and abandonment of existing wells shall be submitted to the County for review and approval prior to Final Site Plan approval. The Well Management Plan shall include the following information:
 - Digital photographs of the well along with nearby reference structures (if existing).
 - GPS coordinates (latitude/longitude) of the well.
 - The methodology used to secure the well during construction (e.g. fence, tape).
 - The final disposition of the well - used, capped, or plugged.
4. Irrigation for landscaping shall use the lowest water quality source available, which shall be identified on the Final Site Plan. Use of Manatee County public potable water supply shall be prohibited.

REMAINING ISSUES OF CONCERN – NOT RESOLVED OR STIPULATED

No remaining issues.

COMPLIANCE WITH LDC

Standard(s) Required	Design Proposal	Compliance		Comments
		Y	N	
BUFFERS				
20' thoroughfare buffer, University Parkway	20'	Y		Shown
10' roadway buffer, Peridia Blvd.	10'	Y		Shown
10' perimeter buffer	10' buffer	Y		10' Buffer Shown
Buffer landscaping		Y		Plant materials and quantities are not part of the PSP process
SIDEWALKS				
5' internal sidewalks	5'	Y		
5' sidewalk, exterior	5'	Y		
ROADS & RIGHTS-OF-WAY				
50' internal rights-of-way	N/A			
24' paved roadways	24'	Y		

COMPLIANCE WITH THE LAND DEVELOPMENT CODE
Preliminary Site Plan (PSP) Review Criteria (LDC Section 322.2)
Criteria for Zoning Map Amendments (LDC Section 342.3)
General Design Requirements for all Planned Development Site Plans (LDC Section 402.6)
PDMU – Planned Development Residential Standards (LDC Section 402.16)
PDR – Planned Development Residential Standards (LDC Section 402.7)
Building Height (LDC Section 402.7.D.9)
PDC – Planned Development Commercial Standards (LDC Section 402.11)

322.2 Preliminary Site Plan (PSP) Review Criteria:

Based upon staff review, the proposed plan meets the requirements and regulations put forth in the Comprehensive Plan and the Manatee County Land Development Code, including requirements for Preliminary Site Plans, and the PDMU, PDR and PDC zoning districts contained in Chapter 4 of the LDC.

342.3. Review Criteria for Zoning Map Amendments

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

The proposed rezoning from A-1 to PDMU is compatible with the existing zoning and land uses of adjacent and surrounding properties. The property is the only remaining A-1 zoned property in the immediate vicinity, as the site is bordered on all sides by Planned Development zoning districts. The PDMU district is an extension of the existing PDMU zoning district to the north. To the east is PD-O, and to the west and southeast are PD-C zoned properties.

The uses in the vicinity of the project are a mix of commercial and industrial along the University Parkway corridor, and various residential developments ranging from single family detached to higher density multi-family. The proposed layout for the site of a commercial outparcel along University Parkway with an Assisted Living Facility (ALF) on the northern portion of the property provides a logical transition in uses from the commercial along University Parkway to the single family residential north of the site.

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

Yes, since the establishment of the original zoning designation, the land uses in the area have changed and been developed from a historically agricultural and low density residential character to the commercial, industrial and higher density residential which is prevalent today.

C) Consistency with the current Comprehensive Plan.

The exiting Future Land Use Category (FLUC) is Mixed Use, and the proposed zoning better conforms to the policies of the MU FLUC than the existing A-1 zoning district. Both the ALF and the commercial outparcel will provide a mixture of uses as intended by the MU FLUC and associated Comprehensive Plan Goals, Objectives and Policies. The proposed uses are consistent with density and intensities laid out in the Comprehensive Plan.

D) Conflicts with existing or planned public improvements.

The proposed rezoning of the property from A-1 to PDMU does not conflict with any existing or planned public improvements.

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

- (1) Impact on the traffic characteristics related to the site, specifically trip generation potential.**

(2) Impact on population density or development intensity such that the demand for schools, sewers, streets, recreational areas and facilities, and other public facilities and serves are adversely affected.

(3) Impact on public facilities planned and funded to support any change in density or intensity pursuant to the requirements of the Comprehensive Plan and applicable law.

Public facilities are available to the project, and impacts resulting from the project in the form of trip generation potential, population density, student generation and utilities usage have been reviewed and analyzed by appropriate reviewing agencies. The proposed ALF has a low trip generation and will access an existing Collector, the commercial out parcel will draw direct access to a major arterial roadway. Both University Parkway and Shade Avenue are operating at acceptable levels of service. Additionally, the ALF will not create any additional demand or impacts on schools or recreational areas and facilities. All recreational areas will be self-contained and internal to the ALF itself.

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

The proposed rezone will not impact the health, safety or welfare of the neighborhood or the County as a whole.

G) Conformance with all applicable requirements of [the] Code.

The proposed rezone and associated Preliminary Site Plan is consistent and conforms to all applicable Land Development Code requirements.

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

The proposed change in zoning from A-1 to PDMU is consistent with the development patterns in the surrounding area. The subject property is surrounded by projects that have all been zoned to Planned Development districts. There is a diverse mixture of commercial, residential and office uses in the immediate area, with industrial uses existing in the surrounding area as well. This project is proposed as many surrounding properties are under construction, and as such fits with the timing and pattern of continued development within the vicinity.

I) Logical expansion of adjacent zoning districts.

The proposed rezone from A-1 to PDMU is a logical expansion of adjacent zoning districts, the site is surrounded on all sides by existing Planned Development districts, and the properties to the north are zoned PDMU.

J) Impact on historic resources.

There are no known historic resources on or adjacent to the subject property, and as such there will be no anticipated impacts.

K) Environmental impacts.

The proposed rezone and development will not have any anticipated adverse environmental impact on the area. All of the potential jurisdictional wetlands on site are to be preserved with the required upland buffers provided. The development will provide an environmental improvement as exotic species will be removed and the remaining development are will be attractively designed and landscaped. The Environmental Report submitted with the application describes that the site has been previously disturbed and that there is existing debris and trash on site. This debris and trash will be cleaned up as part of the development of the site. Additionally, based on the initial environmental report, there were no indications of any listed species present on site; however, should any be present at time of Final Site Plan or development, the appropriate mitigation and protection will be established through required processes.

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

The uses permitted in the PDMU zoning district include residential, commercial, and light industrial uses, and as such, are consistent with the uses existing in surrounding developments. The request is for an ALF and a commercial use to be determined at a later date. The associated site plan shows that the commercial use will be adjacent to University Parkway on the southern portion of the site while the ALF will be on the northern portion of the site. The design proposal establishes a transition between the proposed commercial outparcel and the single family residential north of the subject property. The applicant has proffered use limitations to demonstrate compatibility with surrounding uses. These proffered use limitations are identified in Attachment 8. .

M) Relocation of mobile home owners, if applicable, within the meaning of, and pursuant to, Section 723.083, Florida Statutes.

Not Applicable.

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

The proposed rezone to PDMU is consistent with the standards and requirements for Planned Development Districts as established in Chapter 4.

O) Any other matters which may be appropriate for consideration pursuant to [the] Code, the Comprehensive Plan or applicable law.

Not Applicable.

402.6. General Design Requirements for all Planned Development Site Plans

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

B) Relation to Major Public Utilities, Facilities and Services.

C) Relation to Major Transportation Facilities

D) Compatibility

E) Transitions

The applicant has request a rezone from A-1 to PDMU and has submitted an associated Preliminary Site Plan (PSP). The associated PSP is consistent with the requirements set forth in Section 322 of the LDC regarding PSPs. Sheet 2 and Sheet 3 of the associated PSP and the associated supplemental documents submitted by the applicant satisfies requirements A, B, C, D and E. Additionally refer to the analysis provided above demonstrating compliance with Section 342.3 of the LDC for detailed discussion pertaining to relations to public utilities, facilities and services, transportation facilities, and compatibility of the proposal.

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 regards 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 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.

This project is not proposing any residential density which will result in student generation and as such has no impact on School Concurrency. The School board has issued a No Comment Memorandum dated June 30, 2016 demonstrating that there are no concerns for the proposed rezone and development.

F) Design Quality

The applicant has submitted a PSP in association with the requested rezone and this design has been reviewed and analyzed in regards to the regulations established by the Manatee County LDC and Comprehensive Plan. Specific details not required at this time will be further reviewed at the time of final site plan review.

G) Relationship to Adjacent Property

Sheets 2, 3 and 4 of the associated PSP and the associated supplemental documents submitted by the applicant satisfies this requirement.

H) Access

I) Streets, Drives, Parking and Service Areas

J) Pedestrian Systems

The project shows access for the ALF being drawn from Shade Avenue, the applicant has proposed 24 foot paved drive aisles and will provide 5 foot sidewalks as required and shown on the associated PSP.

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

There are no historical features on site which will require conservation or preservation, the proposed rezone and development will not have any anticipated adverse environmental impact on the area. All of the potential jurisdictional wetlands on site are to be preserved with the required upland buffers provided.

L) Density/Intensity

The proposed ALF will be located on a ±6.62 acre portion of the subject property. The 200 bed ALF is proposed to be three (3) stories with a maximum building height of 45 feet, and a maximum building area of 180,000 square feet. Manatee County uses a 6:1 conversion ratio for beds to dwelling units, as such $200 \text{ beds} / 6 = 33.3 \text{ dwelling units}$, which is rounded up to 34 dwelling units. Approximately 6.62 acres of the parcel are reserved for use by the ALF, and as such the proposed 200 beds results in a gross density of 5.14 dwelling units per acre. The remaining ±1.88 acre portion of the parcel is proposed to be used for a commercial outparcel. The specific commercial use will be determined in the future. The applicant has established minimum required setbacks for the commercial uses, however, specific square footages and floor area ratios (FARs) will be determined when a future development application for the site is submitted. Any potential uses for the commercial outparcel will be limited to those not included in the proffered use limitations provided by the applicant as shown in Attachment 8. The future commercial use will be required to be consistent with square footage and FAR limits set by the MU FLUC, likewise, the future commercial use will have a maximum building height of 35 feet.

M) Height

The applicant has proposed a 200 bed ALF which will be three (3) stories with a maximum building height of 45 feet, The applicant has requested Board approval for a height which exceeds 35 feet, and has provided preliminary conceptual elevations as required by LDC

Section 402.7.D.9 The remaining ±1.88 acre portion of the parcel is proposed to be used for a commercial outparcel. The specific commercial use will be determined in the future, and will be limited to a maximum building height of 35 feet.

N) Fences and Screening

The applicant has shown required screening buffers on the Preliminary Site Plan, any proposed fencing will be reviewed at time of Final Site Plan.

O) Yards and Setbacks

The applicant has established setbacks for both the proposed ALF and for the commercial outparcel. The established setbacks are provided below, the PSP is consistent with these setbacks, and another round of review for consistency with these setbacks will occur at Final Site Plan.

PDMU-16-11(Z)(P) Established Setbacks		
ALF	Front	20 feet
	Side	8 feet
	Rear	15 feet
	Wetland Buffer Setback	15 feet
Commercial Outparcel	Front	30 feet
	Side	15 feet
	Rear	20 feet

P) Trash and Utility Plant Screens

Q) Signs

R) Landscaping

Requirements P, Q, and R have been satisfied to meet the requirements of a PSP and more detailed specific review of these requirements will occur at the time of future final site plan review, as intended by Section 402.7 of the LDC.

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

T) Environmental Factors

U) Rights-of-Way and Utility Standards

V) Stormwater Management

Requirements S, T, U, and V have been satisfied to meet the requirements of a PSP and more detailed specific review of these requirements will occur at the time of future final site plan review, as intended by Section 402.7 of the LDC.

W) Consistency with Comprehensive Plan

In comparing the schedule of uses outline in Tables 4-1 and 4-7 of the LDC for the A-1 and PDMU zoning districts (respectively), it is determined that the range of uses permitted in the PDMU district is more consistent with the underlying MU FLUC. Additionally, the request at hand is consistent with other Comprehensive Plan Goals, Objectives and Policies.

X) Other Factors

Not Applicable

402.16 PDMU—Planned Development Mixed Use

A) Intent

The proposed rezone from A-1 to PDMU is consistent with the intent of the PDMU district, which is to provide for development of complimentary groupings of residential, commercial, office, industrial and other uses. The proposed rezone is also consistent with the intent of the PDMU zoning district, as each specific proposed use is consistent with the requirements and criteria of the single use Planned Development applicable to the proposed uses on site.

B) Site Plans

The site plan has been reviewed in accordance with the single use PDC and PDR Planned Development districts and meets the requirements of both.

C) Permitted Uses

The proposed use of the property for an ALF and a future commercial outparcel, are consistent with the permitted uses established in Table 4-7 of the Land Development Code, and the range of allowable uses established in the applicable policies of the Comprehensive Plan. The applicant has also submitted proffered use limitations to avoid uses which may not be as compatible with surrounding developments, these use limitations are identified as being stricken through in the attached project specific Schedule of Uses shown in Attachment 8.

402.7 PDR—Planned Development Residential

A) Intent

The proposed rezone from A-1 to PDMU and the proposed use of an ALF is consistent with the intent of the PDR district, which is to provide for development of residential areas adequately served or in areas which can be adequately served by necessary utilities and services, in locations that are compatible with adjacent and surrounding land uses in accord with the goals, objectives, and policies of the Comprehensive Plan and in compliance with the standards of the PDR district. While the ALF is not a true residential use, it is a residential support use and as such is consistent with the intent of the PDR district.

B) Permitted Uses

The proposed use of a portion of the property for an ALF is consistent with the permitted uses established in Table 4-7 of the Land Development Code, and the range of allowable uses established in the applicable policies of the Comprehensive Plan. The applicant has also proffered use limitations for uses which may not be as compatible with surrounding developments, these use limitations are identified as being stricken through in Attachment 8.

C) Density

The proposed ALF will be located on a ±6.62 acre portion of the subject property. The 200 bed ALF is proposed to be three (3) stories with a maximum building height of 45 feet, and a maximum building area of 180,000 square feet. Manatee County uses a 6:1 conversion ratio for beds to dwelling units, as such $200 \text{ beds} / 6 = 33.3 \text{ dwelling units}$, which is rounded up to 34 dwelling units. Approximately 6.62 acres of the parcel are reserved for use by the ALF, and as such the proposed 200 beds results in a gross density of 5.14 dwelling units per acre. The proposed density for the project is less than the maximum allowed density established by the Comprehensive Plan for the MU FLUC of 9 dwelling units per gross acre.

D) PDR Standards

1. **Site Planning**
2. **Landscaped Open Space and Pervious Area Requirements**
3. **Frontage and Accessibility**
4. **Neighborhoods**
5. **Green Belts**
6. **Traffic Circulation**
7. **Yard and Setbacks**
8. **Minimum Lot Width**
9. **Building Height**

The request to rezone from A-1 to PDMU includes an associated Preliminary Site Plan. This PSP has been submitted and the portion of the site which requires refers back to the PDR single use district is consistent with the requirements of Section 402.7.D of the LDC. Specifically, the associated PSP provides for and satisfies numbers 1-9 as listed above in a manner that is both consistent with the intent and requirements of the LDC and is consistent and compatible with surrounding existing developments.

PDMU-16-11(Z)(P) Established Setbacks		
ALF	Front	20 feet
	Side	8 feet
	Rear	15 feet
	Wetland Buffer Setback	15 feet

The development will undergo another round of detailed review to ensure consistency with all applicable established and code based requirements at the time of future final site plan review, as intended by Section 402.7 of the LDC. Future Final Site Plan(s) will be required to be consistent with the associated Preliminary Site plan which is included in this requested approval. Should the Final Site Plan include any substantial alterations, changes or deviations it will require a return to public hearing and approval to be granted by the Board of County Commissioners.

402.7.D.9 Building Height

The following is an analysis and specific finding for structures exceeding 35-feet in height. The Applicant’s written request and submitted renderings are included with this staff report as Attachment 6.

A) Compatibility

The proposed PSP provides a minimum separation between adjacent uses consistent with the requirements of the PDMU, and applicable single use zoning districts. The property is adjacent to commercial uses to the west and an office complex to the east. There have been a number of other properties approved for heights exceeding 35 feet along University Parkway. The proposed height of 45 feet for the ALF use will not create any adverse impacts to adjacent properties.

B) Relationship to Adjacent Properties

The proposed PSP provides a minimum separation between adjacent uses consistent with the requirements of the PDMU, and applicable single use zoning districts. The preliminary design is consistent in bulk and design to other structures that are at or above the 35 foot threshold in height, and thus is consistent with the adjacent properties. The project abuts an existing stormwater pond along the northern property boundary which will serve as increased setback from single family residential.

C) Roofline Design

The proposed design incorporates a significant amount of articulation with architectural elements including decorative parapets, mansards and tower elements surrounding internal low-slope roofing.

D) Façade Design

The façade provides modulation and varied rooflines through the use of windows, balcony like features, pedestrian scale entry features that project out from the main structure, and varied paint and exterior finishes.

E) Building Materials

A variety of building materials including stucco cladding, stone accents, profiled trim bands, variations in paint color and construction material. Appropriate changes in material, color and fenestration patterns will contribute to a varied façade and structure appearance both vertically and horizontally.

F) Open Space

The ALF portion of the property is required to provide 30% open space, the applicant proposed roughly 51% open space on this portion of the property.

G) Comprehensive Plan

The proposed height (3 stories/45 feet) is consistent with the Comprehensive Plan Land Use Operative Provision G – Community Design and Compatibility and the Joint Character Compatibility Study – Suggested Heights, which identified the University Parkway Corridor for heights ranging between 5 and 10 stories. This project is also consistent with Policies 2.2.1.21.1-2.2.1.21.4, Policy 2.6.1.1, Policy 2.9.1.9, and Goal 6.1.

SPECIFIC FINDING FOR STRUCTURES EXCEEDING 35-FEET IN HEIGHT

Based on a review of the factors to be considered under LDC Section 402.7.D.9., the Board of County Commissioners finds that the development, as approved and stipulated, is compatible with the surrounding area and will not create any external impacts that would adversely impact surrounding development, because the required building setbacks provide adequate separation between adjacent uses, the roofline and façade designs, and building materials have significant variety, and the project provides adequate open space.

402.11 PDC—Planned Development Residential

A) Intent

The proposed rezone from A-1 to PDMU with a commercial outparcel is consistent with the intent of the PDC district, which is to provide for development of commercial; centers in scale with surrounding market areas at appropriate locations, in conformance with the goals, objectives and policies of the Comprehensive Plan and in compliance with standards set forth within the LDC. The property is within the MU FLUC, and as such is not required to meet the commercial locational criteria requirements.

B) Permitted Uses

The proposed use of a portion of the property for a commercial outparcel is consistent with the permitted uses established in Table 4-7 of the Land Development Code, and the range of allowable uses established in the applicable policies of the Comprehensive Plan. The specific commercial use has not yet been determined; however, any future commercial development will be limited to those allowed by Table 4-7. The applicant has also proffered use limitations for uses which may not be as compatible with surrounding developments, these use limitations are identified as being stricken through in Attachment 8.

C) Permitted Accessory Uses and Structures

Any accessory uses or structures will be reviewed for consistency with LDC requirements and the proffered use restrictions provided by the Applicant, at time of final site plan when the specific commercial use is determined.

D) PDC Standards

1. Intensity
2. Landscaped Open Space and Pervious Area Requirements
3. Yards and Setbacks

PDMU-16-11(Z)(P) Established Setbacks		
Commercial Outparcel	Front	30 feet
	Side	15 feet
	Rear	20 feet

The request to rezone from A-1 to PDMU includes an associated Preliminary Site Plan. This PSP has been submitted and the portion of the project being used for the commercial outparcel is consistent with the requirements of Section 402.11.D of the LDC to the extent that is possible. As a specific use has not yet been determined, the specific intensity cannot yet be established. The applicant has established minimum setbacks, as well as minimum open space and maximum intensity thresholds. The development will undergo detailed review to ensure consistency with all applicable established and code based requirements at the time of future final site plan review, as intended by Section 402.11 of the LDC. Future Final Site Plan(s) will be required to be consistent with the associated Preliminary Site plan which is included in this requested approval. Should the Final Site Plan include any substantial alterations, changes or deviations it will require a return to public hearing and approval to be granted by the Board of County Commissioners.

COMPLIANCE WITH COMPREHENSIVE PLAN

The site is in the MU 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 surrounding area is characterized by residential, commercial, governmental, and agricultural uses. Many of the surrounding developments are Planned Developments which is consistent with what is proposed by this project. Utilities are available to serve this project.

Policy 2.2.1.21.1 Intent. The project proposes to provide a residential support use in the form of an ALF, as well as a future commercial use on the proposed outparcel, which is being proposed. These uses contribute to the achieving of the intent of the MU future land use in conjunction with the other uses in the greater MU area.

Policy 2.2.1.21.2 Range of Potential Uses. ALFs are within the range of potential uses allowed in the MU Future Land Use Category, and the future commercial use will be reviewed for consistency with the FLUC and LDC.

Policy 2.6.1.1 Compatibility. PDMU developments can be designed to permit development consistent with the growing mixed uses of the area. In addition, PDMU allows the Board to attach stipulations to ensure the project is compatible with the surrounding uses.

Policy 2.6.5.4 Preserve/Protect Open Space.
The site plan shows both the ALF and the commercial outparcel meeting the open space requirements.

TRANSPORTATION

Major Transportation Facilities

The site is located in the northwest quadrant of University Parkway and Shade Avenue. University Parkway is designated as a six lane arterial roadway in the Comprehensive Plan’s Future Traffic Circulation Plan and has a planned right of way width of 200 feet. Shade Avenue is designated as a two lane collector roadway in the Comprehensive Plan’s Future Traffic Circulation Plan and has a planned right of way width of 84 feet.

Transportation Concurrency

The Applicant is seeking approval of a preliminary site plan and has applied to defer issuance of a Certificate of Level of Service Compliance (CLOS) until the Final Site Plan review stage. At that time, the Applicant will be required to submit a traffic analysis to determine if any off-site concurrency-related improvements are required by the project. Based on the concurrency link sheet, staff have provided estimated operating conditions of adjacent thoroughfare roadways in the CLOS table below.

Access

At the time of future site plan submittal and accompanying traffic analysis review, all proposed access points will be evaluated to determine if any site-related improvements will be required for the site.

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

CLOS APPLIED FOR: No (Applicant has deferred concurrency at this time)

TRAFFIC STUDY REQ'D: Yes (A TIS was submitted and reviewed; however, a detailed study will be required at FSP)

NEAREST ROADWAY	LINK(S)	ADOPTED LOS	EXISTING LOS
University Parkway	3206	D	C
Shade Avenue	2940	D	C

Potable water, waste water, solid waste landfill capacity, preliminary drainage intent and school facilities will be reviewed at the time of application for concurrency.

SPECIAL APPROVALS – ANALYSES, RECOMMENDATIONS, 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 minimum, project review and approval by the BOCC or the specific delegation of any specific review and approval process, or part thereof, to one or more County departments with the option for appeal to the BOCC. The planned development process allows the BOCC to approve stipulations to ensure compatibility with surrounding zoning and land uses and address any specific issues related to the development.

The applicant is requesting Special Approval to allow for a project within the Mixed Use FLUC.

Finding for Special Approval

The Board finds that the purpose of the Comprehensive Plan, and the applicable Special Approval regulations are satisfied by the analysis provided in the staff report and by the proposed design of the project, which demonstrate that the project as proposed will have no significant detrimental impacts on natural resources, adjacent land uses, surrounding developments, or public facilities.

ATTACHMENTS

- 1. Applicable Comprehensive Plan Policies**
- 2. Staff Report Maps**
- 3. Preliminary Site Plan**
- 4. Zoning Disclosure Affidavit**
- 5. Approved Traffic Impact Statement**
- 6. Height Request and Renderings**
- 7. June 2016 School Report**
- 8. Schedule of Uses – University ALF (PDMU-16-11(Z)(P))**
- 9. Newspaper Advertising**
- 10. Ordinance PDMU-16-11(Z)(P)**

APPLICABLE COMP PLAN POLICIES	
Policy: 2.1.2.3	Permit the consideration of new residential and non-residential development with characteristics compatible with existing development, in areas which are internal to, or are contiguous expansions of existing development if compatible with future areas of development.
Policy: 2.1.2.7	<p>Review all proposed development for compatibility and appropriate timing. This analysis shall include:</p> <ul style="list-style-type: none"> - consideration of existing development patterns, - types of land uses, - transition between land uses, - density and intensity of land uses, - natural features, - approved development in the area, - availability of adequate roadways, - adequate centralized water and sewer facilities, - other necessary infrastructure and services. - limiting urban sprawl - applicable specific area plans - (See also policies under Objs. 2.6.1 - 2.6.3)
Policy: 2.2.1.21	MU: Establish the Mixed Use future land use category as follows:
Policy: 2.2.1.21.1	Intent: To identify, textually in the Comprehensive Plan's goals, objectives, and policies, or graphically on the Future Land Use Map, areas which are established as major centers of suburban/urban activity and are limited to areas with a high level of public facility availability along functionally classified roadways. Also to provide incentives for, encourage, or require the horizontal or vertical integration of various residential and non-residential uses within these areas, achieving internal trip capture, and the development of a high quality environment for living, working, or visiting.
Policy: 2.2.1.21.2	Range of Potential Uses (see Policies 2.1.2.3 - 2.1.2.7, 2.2.1.5): Retail, wholesale, office uses, light industrial uses, research/corporate uses, warehouse/distribution, suburban or urban residential uses, lodging places, recreational uses, public or semi-public uses, schools, hospitals, short-term agricultural uses, other than special agricultural uses, agriculturally-compatible residential uses, public or semi-public uses, schools, low intensity recreational uses, and appropriate water-dependent uses.
Policy: 2.2.1.21.3	<p>Range of Potential Density/Intensity:</p> <p>Maximum Gross Residential Density: 9 dwelling units per acre</p> <p>Minimum Gross Residential Density: 7.0 only in CRA's and UIRA for residential projects that designate a minimum of 25% of the dwelling units as "affordable housing".</p> <p>Maximum Net Residential Density: 20 dwelling units per acre</p>

24 dwelling units per acre within the CRA's and UIRA for residential projects that designate a minimum of 25% of the dwelling units as "Affordable Housing".

Maximum Floor Area Ratio:

1.0

2.0 inside the UIRA.

Maximum Square Footage for Neighborhood, Community, or Region-Serving Uses: Large (300,000sf)

Policy: 2.2.1.21.4

Other Information:

- a) All projects require special approval and are subject to the criteria within b, c, d below, unless all the following are applicable
 - 1. The proposed project consists of a single family dwelling unit located on a lot of record which is not subject to any change in property boundary lines during the development of the proposed land use, and
 - 2. The proposed project is to be developed without generating a requirement for either subdivision review, or final site or development plan review, or equivalent order review.
- b) Non-Residential uses exceeding 150,000 square feet of gross building area (region-serving uses) may be considered only if consistent with the requirements for large commercial uses, as described in this element.
- c) Development in each area designated with the Mixed Use category shall:
 - contain the minimum percentage of at least three of the following general categories of land uses;
 - 10% Residential
 - 10% Commercial / Professional
 - 10% Light Industrial / Distribution
 - 5% Recreation / Open Space
 - 3% Public / Semi Public
- d) Access between these uses shall be provided by roads other than those shown on the Major Thoroughfare Map Series of this Comprehensive Plan or alternative vehicular and pedestrian access methods acceptable to the County:
- e) Development or redevelopment within the area designated under this category shall not be required to achieve compliance with the commercial location criteria described in Objectives 2.10.4.1 and 2.10.4.2 of this element.

Policy: 2.6.1.1	<p>Require all adjacent development that differs in use, intensity, height, and/or density to utilize land use techniques to mitigate potential incompatibilities. Such techniques shall include but not be limited to:</p> <ul style="list-style-type: none"> - use of undisturbed or undeveloped and landscaped buffers - use of increased size and opacity of screening - increased setbacks - innovative site design (which may include planned development review) - appropriate building design - limits on duration/operation of uses - noise attenuation techniques - limits on density and/or intensity [see policy 2.6.1.3]
Policy: 2.6.1.2	<p>Require the use of planned unit development, in conjunction with the mitigation techniques described in policy 2.6.1.1, for projects where project size requires the submittal of a site development plan in conformance with the special approval process in order to achieve compatibility between these large projects and adjacent existing and future land uses.</p>
Policy: 2.6.1.3	<p>Require appropriate limits on net residential density to achieve compatibility between adjacent residential land uses. Limits on net density may reduce net density on a project, or part thereof, into less than the maximum net density associated with the future land use category or categories on the project site (see also policy 2.6.1.1).</p>
Policy: 2.6.2.1	<p>Limit location of new residential development and residential support uses adjacent to intensive and incompatible agricultural operations.</p>
Objective: 2.9.1	<p>Strong Communities: Create and maintain communities which are characterized by their:</p> <ul style="list-style-type: none"> - connection, integration, and compatibility with surrounding land uses, - community spaces and focal points, - protection of the natural environment, - connection and integration of pedestrian, bicycle, and vehicular systems, - usable open spaces, and public access to water features, - unifying design elements and features, - variety of housing stock, - pedestrian oriented structures, and pedestrian friendly design, - connection to recreational facilities, schools, adjacent neighborhoods, employment opportunities and commercial uses.
Policies: 2.9.1.1	<p>Minimize the development of residential projects which create isolated neighborhoods.</p>
Policy: 2.9.1.2	<p>Promote the connection and integration of community pedestrian, bicycle, and vehicular systems to the larger county systems. (See also Obj. 3.3.3)</p>

Policy: 2.9.1.3	Provide vehicular access between neighborhoods, particularly (but not exclusively) when part of a planned unit development containing more than one neighborhood.
Policy: 2.9.1.4	Encourage the development of a variety of housing options and architectural styles within a community. (See also Obj. 6.1.1)
Policy: 2.9.1.5	Promote the development of pedestrian friendly designs.
Policy: 2.9.1.6	Promote the use of unifying design elements and features.
Policy: 2.9.1.7	Encourage the development of community spaces, including usable open space and public access to water features.
Policy: 2.9.1.9	Require where feasible, pedestrian and bicycle access to community spaces, schools, recreational facilities, adjacent neighborhoods, employment opportunities, professional and commercial uses. (See also Obj. 3.3.3)