

PDR/PDMU-15-10(G)(R) – Aqua By The Bay
PLN1912-0036

An Ordinance of the Board of County Commissioners of Manatee County, Florida, regarding land development; amending Zoning Ordinance PDR/PDMU-15-10(Z)(G) by the deletion of Stipulation #17 so as to no longer require a public hearing be held for residential dwelling units exceeding the completion of the first 750 units or more; total project acreage is approximately 529 acres and is generally located west of the intersection of 75th Street West and 53rd Avenue West, between El Conquistador Parkway and Sarasota Bay (Manatee County); the site is within both the Planned Development Residential (PDR) and Planned Development Mixed Use (PDMU) zone districts; setting forth findings; providing a legal description; providing for severability, and providing an effective date.

B.O.C.C.: 02/06/2020

RECOMMENDED MOTION:

Based upon the staff report, evidence presented, comments made at the Public Hearing, and finding the request to be CONSISTENT with the Manatee County Comprehensive Plan and the Manatee County Land Development Code, as conditioned herein, I move to ADOPT Zoning Ordinance No. PDR/PDMU-15-10(G)(R), as recommended by the staff.

PROJECT SUMMARY	
CASE NUMBER	PDR/PDMU-15-10(G)(R) related to PDR/PDMU-15-10(Z)(G)
PROJECT NAME	Aqua By The Bay
APPLICANT(S)/AGENT	Carlos Beruff/Edward Vogler
EXISTING ZONING	PD-R (Planned Development Residential) and PDMU (Planned Development Mixed Use)
PREVIOUSLY APPROVED USES	510 lots for single-family detached residences 2,384 multi-family units 78,000 square feet commercial retail (neighborhood & general) Recreational amenities and private docking facilities
REQUEST	<ul style="list-style-type: none"> To delete Stipulation #17 from Ordinance PDR/PDMU-15-10(Z)(P)
PREVIOUSLY GRANTED SPECIAL APPROVALS	<ol style="list-style-type: none"> 1) mixed and multiple use project in RES-6 and RES-9 Future Land Use Categories (FLUCs); 2) gross density exceeding six (6) dwelling units in RES-9 FLUC; 3) net density exceeding nine (9) dwelling units in RES-9 FLUC; 4) non-residential project exceeding 30,000 square feet in RES-6 and RES-9 FLUCs; 5) project adjacent to a perennial stream (Sarasota Bay); 6) project partially in the CEA (Coastal Evacuation Area); 7) project in the CHHA (Coastal High Hazard Area); as recommended by the Planning Commission.
CASE MANAGER	Stephanie Moreland, Principal Planner
STAFF RECOMMENDATION	APPROVAL WITH STIPULATIONS as amended & shown in strike-thru and underline format)
SITE CHARACTERISTICS	
PARCEL ID NUMBER(S)	6146901009, 6146901509, 6146900219, 61469000309, 6146900369, 6147110409, 6146900079, 6147110559, 5164800059, 6147110509
GENERAL LOCATION	West of the intersection of 75 th Street West and 53 rd Avenue West, between El Conquistador Parkway and Sarasota
ACREAGE	Approximately 529 acres
DENSITY	Gross: 7.16 units per acre
EXISTING USE(S)	Vacant
FUTURE LAND USE CATEGORY(S)	RES-6 (Residential, six dwelling units per acre) and RES-9 (Residential, nine dwelling units per acre)

DETAILED DISCUSSION

Summary:

The Aqua By the Bay project site consists of approximately 529.18 acres and is west of the intersection of 75th Street West and 53rd Avenue West, between El Conquistador Parkway and Sarasota Bay.

Long Bar Pointe, LLLP & Cargor Partners VIII, Long Bar Pointe, LLLP, applicants for the Aqua By The Bay project, requests an amendment to Zoning Ordinance PDR/PDMU-15-10(Z)(G) by deletion of Stipulation #17 to no longer require a public hearing be held for residential dwelling units exceeding the completion of the first 750 units or more. No changes to the approved General Development Plan or any of the stipulations other than Stipulation A.17 are proposed. Development Order [PDR/PDMU-15-10(Z)(G)], was approved on October 3rd, 2017.

Stipulation #A.17 reads as follows:

“Subsequent residential dwelling units, upon completion of the first 750 residential dwelling units, shall require further approval by the Board of County Commissioners at a public hearing prior to, or as part of, Preliminary Site Plan approval, in increments of 750 units or more. Any approval shall be in conformance with Stipulation A.16.”

The focus of this request is to delete Stipulation #A.17. Staff finds the language in Stipulation #A.17 to be unclear and problematic relative to timing as to when the project is required to return to the Board of County Commissioners. The A.17 stipulation indicates ‘upon completion of first 750 residential dwelling units.’ Staff’s interpretation of the word, ‘completion’ means after the Preliminary/Final Site Plans, Building Permits, and Certificate of Occupancies (construction finished) have been issued. Staff believes the timing of ‘completion’ is too late in the development process for the Board of County Commissioner’s review of a site plan.

Currently, a Preliminary/Final Site Plan has been issued for 446 residential units. 316 residential units are pending Preliminary/Final Site Plan approval. A pre-application meeting was held for another 350-353 residential units. The consequences and effects of the stipulation language were not apparent or obvious when the stipulation was written and approved at the hearing on October 3rd, 2017.

While preparing for the pre-application meeting, staff found it difficult to determine what procedure (i.e., administrative or public hearing) the applicant was to follow, considering the threshold for issuance of the 750 units would soon be reached, no residential units are completed to date and the applicant anticipates submitting applications for more units.

In addition to the complexity of the timeline, the applicant has identified an additional concern with the last sentence of stipulation A.17 which reads; “...Any approval shall be in conformance with Stipulation A.16.”

According to the applicant, compliance with hurricane evacuation and disaster planning has been successfully handled administratively since the inception of such requirements. Retention of Stipulation A-17 will not improve compliance with hurricane evacuation and disaster planning requirements. Rather, the stipulation imposes additional procedural requirements on both the County and the applicant, contrary to the direction taken by the Board of County Commissioners in the streamlining amendments to the Land Development Code approved in 2019.

Staff concurs that the deletion of stipulation A.17 would remove the apparent ambiguities existing during the review and processing of the Preliminary and Final Site Plans for the already approved 2,894 residential units. The requirement for a Hurricane Evacuation and Disaster Plan previously referenced in stipulation A.17 would remain applicable to the residential units as stated in the existing Stipulation A.16;

In accordance with Manatee County Comprehensive Plan, Policy 2.1.2.7, deletion of Stipulation A.17 does not affect development patterns, types of land uses, transition between land uses, natural features, or approved development in the area. There is no proposal to increase or decrease the gross or net residential density of the project. Staff finds the request to be consistent with applicable goals, objectives, and policies of the Manatee County Comprehensive Plan. Staff recommends approval.

History:

The following development approvals are listed below as follows:

- On November 2, 2004, the Board of County Commissioners (BOCC) originally approved a Preliminary Site Plan [PDR-03-32(P)] for Long Bar Pointe, Phase 1- Parcel F, for 258 units on 102.37± acres.
- On March 14, 2006, the BOCC approved a Revised Preliminary Site Plan [PDR-03-32(P)(R)] for Long Bar Pointe, Phase 1, Parcel F to amend stipulations (deleted stipulation #2.B and 2.E - replaced with new stipulation #2.B).
- On March 14, 2006, Long Bar Pointe project approval was amended to modify stipulations relative to Transportation improvements and requirement for Local Development Agreement between County and applicant.
- On June 6, 2006 – Local Development Agreement (LDA-06-04) was approved.
- On July 28, 2009 – LDA [LDA-06-04(R2)] was amended.
- On November 6, 2008, the BOCC approved a Revised Preliminary Site Plan [PDR-03-32(P)(R2)] for Long Bar Pointe, Phase 1- Parcel F to delete and replace stipulations 1-3.
- On February 25, 2014, the BOCC approved Preliminary Site Plan [PDR-13-28(P)] for Long Bar Pointe, Phase 1 Parcels C & B2 for 200 lots for single-family detached residences on 61.75± acres.
- On October 3, 2017, the BOCC approved a rezone and General Development Plan [PDR/PDMU-15-10(Z)(G)] to allow a mixed-use development for a large project on 529.18± acres to include; 1) 78,000 square feet of commercial retail neighborhood uses and commercial retail general; and 2) 2,894 residential units to include 2,384 multi-family units and 510 lots for single-family detached residences; recreational amenities and private docking facilities.

At that time, Special Approval was required and granted for a: 1) mixed and multiple use project in RES-6 and RES-9 Future Land Use Categories; 2) gross density exceeding six (6) dwelling units in RES-9 FLUC; 3) net density exceeding nine (9) dwelling units in RES-9 FLUC; 4) non-residential project exceeding 30,000 square feet in RES-6 and RES-9 FLUCs; 5) project adjacent to a perennial stream (Sarasota Bay); 6) project partially in the CEA (Coastal Evacuation Area); and 7) project in the CHHA (Coastal High Hazard Area)

- The site is in the RES-6 (Residential-six dwelling units per acre) and RES-9 (Residential-nine dwelling units per acre) Future Land Use Categories (FLUCs).
- The site is currently zoned PDR (Planned Development Residential), and PDMU (Planned Development Mixed Use) which was found to be consistent with the RES-6 and RES-9 FLUC's.
- The site lies in Flood Zones VE [an area inundated by 1% annual chance flooding with velocity hazard (wave action); BFE's have been determined] with Base Flood Elevations of 13', 14', 15' NAVD 1988 and AE (an area inundated by 1% annual chance flooding, for which BFEs have been determined) with Base Flood Elevations of 11', 12', 13' NAVD 1988 per FIRM Panels 12081C0284E, 12081C0292E, and 12081C0311E, effective 3/17/2014. A portion of the property also lies in the Coastal Barrier Resource System. This has been designated and mapped by the U.S. Fish & Wildlife Service and approved by Congress.
- A small part of the site is in the Urban Service Area. These are areas where public facilities and services are in place or are identified in the capital improvements element.
- 78,000 square feet is proposed for the commercial uses. The site abuts El Conquistador Parkway (Arterial) and is within 1,500 feet of the intersection of 53rd Ave West (Arterial) and 86th Street West (local), a node eligible for consideration of commercial development. Additionally, Policy 2.10.4.2, exempts Large Project developments (which have mixed uses with a residential component and meet minimum development characteristics, have commercial uses internal to neighborhoods), whose main neighborhood access is on a road designated as a collector or higher, from commercial locational criteria.

POSITIVE ASPECTS

- Deletion of Stipulation A.17 alleviates problems in the future with determining development procedures.

NEGATIVE ASPECTS

- None

STIPULATIONS

All stipulations from previous approval [PDR/PDMU-15-10(Z)(G)] remain in effect, except for Stipulation A.17 which is to be deleted with this request.

A.17

~~Subsequent residential dwelling units, upon completion of the first 750 residential dwelling units, shall require further approval by the Board of County Commissioners at a public hearing prior to, or as part of, Preliminary Site Plan approval, in increments of 750 units or more. Any approval shall be in conformance with Stipulation A.16.~~

- ATTACHMENTS**
- 1. Maps – Future Land Use, Zoning, and Aerials**
 - 2. Project Narrative Revised**
 - 3. Newspaper Advertising**
 - 4. Ordinance PDR/PDMU-15-10(G)(R)**
 - 5. Ordinance PDR/PDMU-15-10(Z)(G)**