

September 4, 2019

Board of County Commissioners  
Manatee County Government  
Building & Development Services Department  
1112 Manatee Avenue West, 4<sup>th</sup> Floor  
Bradenton, FL 34205

RE: Specific Approval Requests  
IA Manatee, LLC

Honorable Commissioners:

On behalf of the Applicant, we are respectfully requesting Manatee County's approval of the following Specific Approvals with the request for a Planned Development Mixed Use and General Development Plan and Large Project Application.

Where possible, the strict application of the Land Development Code has been included in the design of the site. The General Development Plan application for the project within the Planned Development Mixed Use district includes requests for Specific Approval of requirements for development under standard district regulations that shall be designed so as to be sensitive to the impacts of the specific approval requested. Additionally, the property is located within the North Central Overlay District (NCO). LDC Section 403.12.B.2 allows for a property owner to request Specific Approval where there are circumstances where property configuration prohibits complete compliance with the requirements of the NCO.

We are respectfully requesting the following Specific Approval to the Land Development Code for the Preliminary Site Plan:

1. North Central Overlay District Commercial and Office Uses Roadway Buffer - Section 403.12.D.4(a)

The Applicant is requesting a Specific Approval for an alternative to Section 403.12.D.4(a) of the LDC. This Specific Approval will allow for twenty-five-foot roadway buffers along Buckeye Road, US 301 North, and Fort Hamer Road.

A second Specific Approval is also requested to Section 403.12.D.4(a) to reduce the number of required Evergreen Understory Trees from six to three. This approval will allow the installation of all other required plant materials within the twenty-five-foot buffer meeting the intent of the requirement to provide opacity when viewed from the edge of pavement from the nearest outside travel lane of the adjacent thoroughfare within three years of Certificate of Occupancy. This will also allow establishment of the tree canopy without crowding from the reduced width buffer requested above. The three required Evergreen Understory Trees per linear foot will be placed in the perimeter buffers to enhance the screening of the project adjacent to the residential development.

There are unique circumstances for this request. The requirement to provide a 50-foot landscape buffer and required plant material reduces the opacity to 80 percent. A

commercial development relies on visibility from the thoroughfare roadway. Little commercial development has occurred in the Parrish area since the adoption of the North Central Overlay (NCO) District due to this requirement for opacity. Commercial development cannot thrive without visibility.

There has been a precedent set with several projects. The Petzoldt, Curtis & Burnside, Kent/Xpress Storage US 301 North project approved under PDC-10-15 received a specific approval for a variable width buffer along Old Tampa Road. The 301 Oxford, LLLP/301 Oxford project approved under PDMU-15-14(Z)(P) received specific approval for a twenty-five-foot buffer along US 301. The Parrish Chin Road project approved under PDC-18-03 received specific approval for twenty-five-foot buffers adjacent to US 301 and Chin Road. The proposed roadway buffers will continue to provide a well-designed landscape buffer.

2. North Central Overlay District Roadway Buffers for residential and other uses - Section 403.12.D.5(a)

The Applicant is requesting a Specific Approval for an alternative to Section 403.12.D.5(a) of the LDC. This Specific Approval will allow for fifty-foot variable width thoroughfare buffers along Buckeye Road, US 301 North, and Fort Hamer Road adjacent to stormwater ponds. The fifty-foot buffer will be provided along the thoroughfare adjacent to residential lots. The variable width will allow for stormwater ponds/top of bank to encroach into the buffer. The landscape material will continue to meet the requirements of 403.12 within the first 35 feet of the buffer. The proposed roadway buffers will continue to provide a well-designed landscape buffer.

3. North Central Overlay District Building Scale and Mass - Section 403.12.G.6(a)

The Applicant is requesting a Specific Approval for an alternative to Section 403.12.G.6(a) of the LDC. This Specific Approval will allow for a retail building utilized principally by a single tenant to exceed 75,000 square feet outside of the Retail Office Residential or Mixed Use Future Land Use categories of the Comprehensive Plan. Little commercial development has occurred in the Parrish area since the adoption of the North Central Overlay (NCO) District. There are few large parcels that are suitable for development of large, principally single-tenant retail buildings within the North Central Overlay District also within the Retail Office Residential or Mixed Use Future Land Use categories. The area is and may continue to be generally devoid of the types of goods and services offered to the community by large retailers. Consequently, the current and future residents of this area must travel relatively greater distances to find the goods and services offered by large retailers. In keeping with the County's general objective to locate goods and services closer to residents thereby reducing traffic in more heavily traveled areas, the request is in keeping with the ULI How Will We Grow Report and the policies of the Comprehensive Plan to provide services in proximity of residential users.

To address compatibility of the proposed retail building, in excess of 75,000 square feet, the building design will meet all design requirements of the North Central Overlay District point system outlined in Table 4-11 and Table 4-12 and will comply with other

applicable regulations of the LDC Section 403.12G. (non-residential site and building design) as well as design standards under LDC Section 403.12.3.1.

4. North Central Overlay District – Section 403.12.D.3(k)

The applicant is requesting a Specific Approval for an alternative to Section 403.12.D.3.k. “To avoid conflicts with buffer vegetation, lots adjacent to roadway and greenbelt buffers shall have a minimum fifteen (15) feet building setback for buildings, swimming pools, pool cages, or other structures that would potentially conflict with buffer vegetation.” The applicant is requesting a reduction of the required 15-foot rear yard setback to five feet for buildings, swimming pools, pool cages and other structures. This setback is unique to the North Central Overlay District and is not necessary if special attention is given to the placement of appropriate vegetation within the required buffers.

The intent of the North Central Overlay District is to minimize visibility of the buildings, swimming pools, pool cages, or other structures. We feel that the setbacks proposed sufficiently meet or exceed the intent of the Land Development Code.

5. Variable Width (Wetland) Buffers – Section 706.7.C.2.

The applicant is requesting a Specific Approval for an alternative to Section 706.7.C.

Under limited circumstances, where site specific conditions and physical constraints do not allow the application of a uniform-width wetland buffer, a variable width wetland buffer may be approved. Site specific conditions and physical constraints which may be considered include situations where:

1. Application of a uniform-width buffer would restrict vehicular access to an upland portion of the development site;
2. Locations of driveway, rights-of-way or private streets are mandated by FDOT or County requirements, and re-alignments cannot be negotiated, or
3. Minor encroachments into previously disturbed portions of a wetland buffer for short linear distances cannot be avoided.

In no event shall the proposed variable width buffer be narrower than FDEP or SWFWMD standards for Environmental Resource Permitting.

The configuration of the variable width buffer shall be determined by detailed onsite investigation, and shall at a minimum equal the area that would otherwise have been encompassed by a uniform-width buffer configured parallel to the wetland. Wetland buffer encroachments authorized under this Section shall be compensated for on the same wetland or wetland system, and such compensation shall be of equal or better quality.

Due to the interpretation of this language, we are requesting Staff level review and approval of any potential variable width buffers meeting the intent of this Section. Recent policy has been for staff to defer to the BOCC for this approval. While great attention has been given to the location of wetlands in the project design, it is virtually impossible to foresee issues that could arise when final design is completed. We feel strongly that is the reason the Land Development Code delegates authority to the staff.

The General Development Plan detail does not identify wetland buffer impacts at this time. The applicant does not anticipate any roadway improvements (with the exception of turn lanes at project entrances) for US 301 or Buckeye Road. However, as required, existing wetland limits and buffers have been identified within the future right of way for these roadways. If Manatee County or FDOT undertakes future widening of these roads, impacts to these identified wetlands will most likely occur. The wetland limits have been shown for informational purposes only.

6. Tree Replacement – Section 700.3.I

The applicant is requesting an alternative to the Tree Replacement requirements outlined in the Land Development Code. The applicant is proposing to provide 50 trees at 3” caliper per acre for dense existing treed areas towards tree replacement requirements for the project, subject to evaluation by staff in the field. This alternative method of tree mitigation is requested for consideration if it is determined at Preliminary/Final Site Plan that the lost canopy will be replaced within ten (10) years. While great attention will be given to the location of tree replacement in the project design, it is virtually impossible to foresee issues that could arise when final design is completed. We feel strongly that is the reason the Land Development Code delegates authority to the staff.

Thank you for your consideration. Please do not hesitate to contact me with any questions regarding the Specific Approval requests.

Very truly yours,  
ZNS ENGINEERING, L.C.



**RACHEL WHITCOMB LAYTON, AICP**

Director of Planning

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