

B.C.C.: 06/20/2019

PDC-18-21(Z)(P)
Sawgrass Storage/FLM, Inc. (Owner)/Frank Agnelli (Contract Purchaser)
(PLN1810-0065)

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 the zoning within the unincorporated area; providing for a rezone of approximately 14.74 acres on the south side of Moccasin Wallow Road, approximately 0.8 miles east of Carter Road, commonly known as 9419 Moccasin Wallow Rd, Parrish (Manatee County), from A/NCO (General Agriculture/North Central Overlay) to the PD-C/NCO (Planned Development Commercial) zoning district, retaining the North Central Overlay district, approving a Preliminary Site Plan for a mini-warehouse and outdoor boat and recreational storage project; subject to stipulations as conditions of approval; setting forth findings; providing a legal description; providing for severability, and providing an effective date.

P.C.: 05/09/2019

B.O.C.C.: 06/20/2019

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 Manatee County Zoning Ordinance No. PDC-18-21(Z)(P); APPROVE a Preliminary Site Plan with Stipulations A.1–A.2, B.1–B.4, C.1–C.5, and D.1; ADOPT the Findings for Specific Approval; and GRANT Specific Approvals to Land Development Code Section 1001.6.A.1.a (requesting the option of making a payment to the County for the cost of the sidewalk in lieu of construction of a five-foot sidewalk along the northern property line), as recommended by the Planning Commission.

(Commissioner Trace)

PLANNING COMMISSION ACTION:

On May 9, 2019, by a vote of 6 – 0, the Planning Commission recommended approval. Mr. Rutledge was absent.

PUBLIC COMMENT AND CORRESPONDENCE:

May 9, 2019 Planning Commission

There was no public comment.

A revised Environmental Report was entered into the record.

OVERVIEW

CASE NUMBER	PDC-18-21(Z)(P)/PLN1810-0065
PROJECT NAME	Sawgrass Storage
LANDOWNERS	FLM, INC
CONTRACT PURCHASERS	Frank Agnelli
APPLICANT(S)/AGENT	Claude Melli / ZNS Engineering (Rachel Layton)
PROPOSED ZONING	PD-C/NCO
EXISTING ZONING	A
PROPOSED USE(S)	Mini Warehouse and Outdoor Storage
CASE MANAGER	Jamie Schindewolf, Planner II
STAFF RECOMMENDATION	Approval with Stipulations

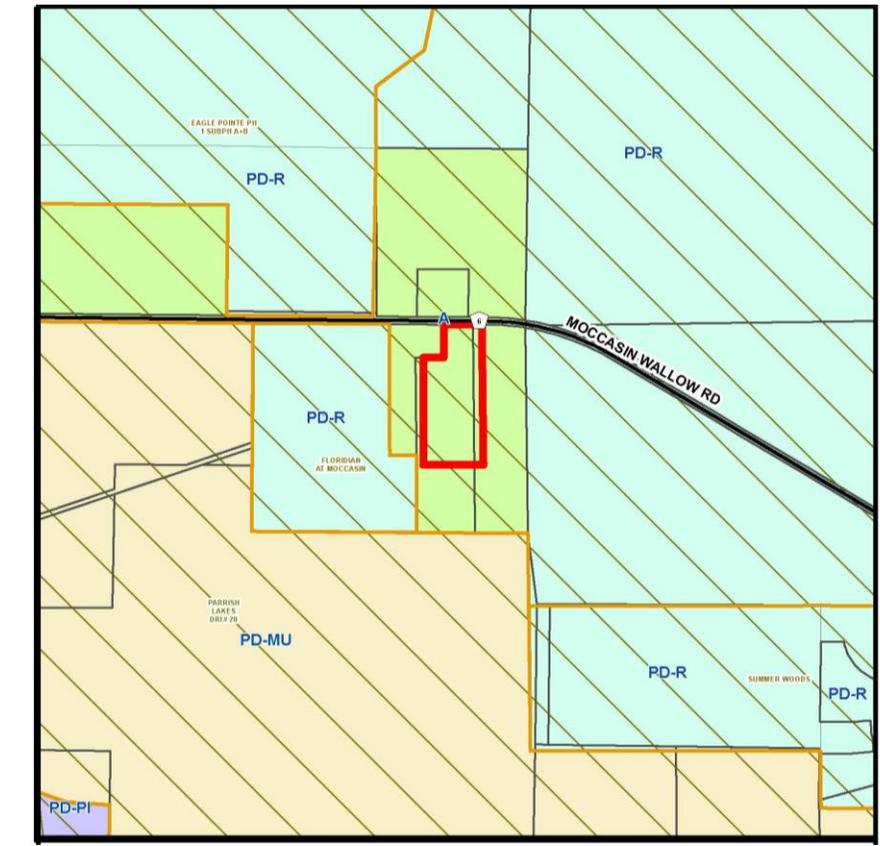
Detailed Discussion

The ±14.74-acre site is located west of the Future Development Area Boundary (FDAB) and on the south side of Moccasin Wallow Road approximately 0.8 miles east of Carter Road, commonly known as 9419 Moccasin Wallow Rd, Parrish. The applicant is seeking a rezone from A to PD-C with a Preliminary Site Plan.

SITE AERIAL



ZONING



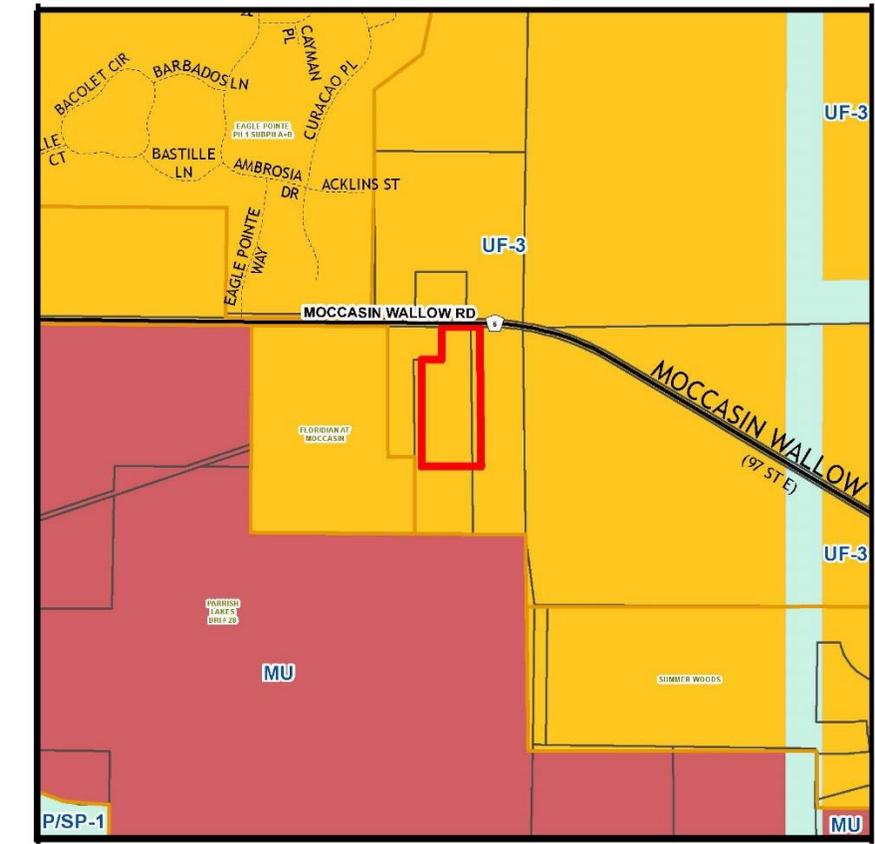
The project area is currently zoned A (General Agriculture). To the north is Moccasin Wallow Road and vacant land, to the south is orchard, groves, citrus land located in the Parrish Lakes DRI, to the west is a single wide mobile home, and to the east is grazing land. The site is located in the NCO (North Central Overlay).

The site is located in an area that has very little agricultural zoning left. Much of the area has developed into single family subdivisions or has approval to do so.

As shown on the following page, the Future Land Use Category for the site is UF-3 (Urban Fringe, 3 dwelling units/acre). The area immediately surrounding the project is designated either UF-3 or MU (Mixed Use).

There is a planned expansion of Sawgrass Road east of the project that brings the project into compliance with Commercial Locational Criteria.

FUTURE LAND USE



REQUEST

The request is to rezone the property to PD-C (Planned Development Commercial) and approve a Preliminary Site Plan for

- A two-phase mini-warehouse/outdoor storage project
- Phase I will include single story buildings for a total of 89,048 square feet with 61 boat and RV storage spaces under canopy
- Phase II will remove the canopied storage area and replace it with a three story mini-warehouse building of approximately 117,597 square feet
- Total build out will be 206,645 square feet for a Floor Area Ratio of 0.32
- There are no wetland impacts proposed but the access to the property will impact the wetland buffer. The buffer impacts will be mitigated on-site.
- The three-story building in Phase II has a proposed height of 45 feet with a minimum 145.5 foot setback
- The building design will be in accordance with the North Central Overlay District Design Manual
- The project will have a total of 20 parking spaces at Phase I and 43 spaces at build out, as required by code

SITE CHARACTERISTICS AND SURROUNDING AREA	
ADDRESS	9419 Moccasin Wallow Rd, Parrish, 34219
GENERAL LOCATION	Generally located on the south side of Moccasin Wallow Road, approximately 2 miles east of I-75
ACREAGE	±14.74 acres
EXISTING USE(S)	Vacant
FUTURE LAND USE CATEGORY(S)	UF-3 (Urban Fringe 3)
OVERLAY DISTRICT(S)	North Central Overlay
DENSITY	N/A
INTENSITY	0.35 (0.5 at activity nodes)
SPECIFIC APPROVAL(S)	LDC Section 1001.6.A.1.a: Sidewalks: The applicant is requesting the option of making a payment to the County for the cost of the sidewalk in lieu of construction of a five-foot sidewalk along the northern property line.
SURROUNDING USES & ZONING	
NORTH	Zoned Agricultural; Moccasin Wallow Road & Vacant Land
SOUTH	Zoned Planned Development – Mixed Use/Parrish Lakes DRI; Orchard, groves, citrus, improved
EAST	Zoned Agricultural; Grazing land
WEST	Zoned Agricultural; Single-wide mobile home Zoned Planned Development Residential; Grazing land

SITE DESIGN DETAILS	
SETBACKS (MINIMUM) / PROVIDED	<p><u>Front</u> 145.5' / 393.6'* <u>Side (East)</u> 20' / 20' <u>Side (West)</u> 20' / 280' <u>Rear</u> 20' / 22.8' <u>Wetland Buffer (from)</u> 15' / 15'</p> <p>* As stated on Note 26 of the Preliminary Site Plan cover sheet, the setback may be adjusted dependent upon the final wetland delineation; the building shall not be setback any closer than 145.5 feet.</p>
OPEN SPACE	<p><u>Required:</u> 20% (2.95 acres) <u>Provided:</u> 63% (9.36 acres)</p>
BUFFERS	<ul style="list-style-type: none"> • 50-foot wide roadway buffer along Moccasin Wallow Road • 20-foot buffer to the south, east, west • 30' wetland buffer <p>These buffers are equal to the code required buffers.</p>
ACCESS	<p>One access to Moccasin Wallow Road.</p>
PARKING MINIMUMS	<p>Phase I Required: 20 Phase I Provided: 20</p> <p>Build Out Required: 43 Build Out Provided: 43</p> <p>3 bicycle parking spaces required; 3 bicycle parking spaces provided</p>
FLOOD ZONE(S)	<p>Project site lies in Zone A per FIRM Panel 12081C0317E, effective 3/17/2014.</p> <p>Developer to establish the Base Flood Elevation at Final Site Plan.</p>
AREA OF KNOWN FLOODING	<p>Project Located in Flood Prone Area: Yes Type of Flooding: Rainfall</p> <p>Project Subject to flow reduction: Yes; 50% reduction in allowable runoff for Buffalo Canal Watershed</p>
UTILITY CONNECTIONS	<p>The following water and wastewater facilities are in the vicinity of this development project:</p> <p>Water: 30" CIP potable water main along Moccasin Wallow Road</p> <p>Sewer: No Sanitary Sewer directly in front of site</p>

Reclaimed: 20" DIP reclaimed water main along Moccasin Wallow Road

ENVIRONMENTAL INFORMATION

Overall Wetland Acreage 2.32 acres

Proposed Wetland Impacts 0 acres

Wetlands:

The Environmental Narrative (Bio-Tech Consulting Inc., October 16,2018) states there are two wetlands on site: 1.08 acres wetland forested mixed (FLUCCS 630) and 1.24 acres vegetated non-forested wetland (FLUCCS 640). There are no wetland impacts proposed. Wetland buffer impacts are proposed by the access from Moccasin Wallow Road, sidewalk and utility connections. (5,246 sq. ft). The Project Narrative prepared by ZNS Engineering refers to LDC Section 706.7.C.1 which allows the application of a variable width buffer in circumstances where the application of a uniform width buffer would restrict vehicular access to an upland portion of the site. On site mitigation (9,131 sq.ft) is proposed along the southern boundary of the impacted wetland to achieve a variable width buffer that is code compliant.

Uplands:

The Environmental Narrative (Bio-Tech Consulting Inc., October 16,2018) states that there 2.01 acres of Improved Pasture (FLUCCS 211) and 9.08 acres of Disturbed Land (FLUCCS 740).

Endangered Species:

The Environmental Narrative (Bio-Tech Consulting Inc., October 16,2018) states protected species of fish and wildlife were identified by a desktop review of databases and publications sourced by the Florida Fish and Wildlife Conservation Commission (FFWCC), Florida Natural Areas Inventory (FNAI) and the U.S. Fish and Wildlife Service (USFWS). The desktop review was followed by an on site field assessment and no listed species, nests or burrows were found on site. Species specific methodologies referenced the appropriate agency guidelines.

Trees:

The cover sheet of the Preliminary Site Plan states tree removal and replacement will be in accordance with LDC Section 700 and has noted calculations will be provided at time of Final Site Plan submittal.

Landscaping/Buffers:

The applicant has provided a code compliant Preliminary Landscape Plan including all North Central Overlay requirements. Additional and more specified information will be provided at time of Final Site Plan submittal. The roadway buffer will consist of existing vegetation to avoid impacts to the wetland along Moccasin Wallow Road.

COMPLIANCE WITH LDC			
Standard(s) Required	Design Proposal	Compliance (Y/N)	Comments
BUFFERS			
50' Roadway Buffer	50'	Y	
20' Greenbelt Buffer	20'	Y	
30' Wetland Buffer	30'	Y	
SIDEWALKS			
5' Wide Internal Sidewalks	Provided along access road	Y	
5' Wide External Sidewalks	None	N	Applicant requests payment in lieu of construction, see specific approvals
DRIVEWAYS, ROADS, & RIGHTS-OF-WAY			
Right-of-Way	40' half width right of way and a 35' future right of way setback along Moccasin Wallow	Y	Moccasin Wallow Road is a planned six lane arterial roadway with 150 feet of right of way in the Comprehensive Plan's Future Traffic Circulation Plan. The proposed ROW and ROW setback is consistent with this plan.
24' Paved Roadways	At least 24' provided on access road and between storage areas	Y	

TRANSPORTATION
<p><u>Major Transportation Facilities</u></p> <p>The site is located on the south side of Moccasin Wallow Road, approximately 0.8 miles east of Carter Road. In the Comprehensive Plan's Future Traffic Circulation Plan, Moccasin Wallow Road is designated as a six-lane arterial road and has a planned right of way width of 150 feet.</p> <p><u>Transportation Concurrency</u></p> <p>Transportation concurrency was evaluated as part of the review of this project. The Applicant prepared a Transportation Analysis to determine impacts to the segment of Moccasin Wallow Road and associated intersections near the project site. The results of the analysis, which was reviewed and accepted by the Transportation Planning Division, indicated that level of service deficiencies, under background traffic conditions, exist at studied intersections and roadway segments. No off-site concurrency-related improvements were required to mitigate the project's impacts. The analysis indicated that improvements to</p>

mitigate background traffic conditions would allow the impacted roadway segment to operate above the level of service (LOS) D performance standard (see Certificate of Level of Service Compliance table below).

Access

The site has access to the thoroughfare roadway network via a proposed driveway connection to Moccasin Wallow Road. The transportation analysis identified the following site related improvements are necessary to accommodate project traffic:

1. Prior to Final Site Plan approval for Phase I, construct a 510 foot westbound left-turn lane at the project driveway on Moccasin Wallow Road. This distance includes a 50 foot taper.
2. Prior to Final Site Plan approval for Phase II, construct a 460 foot eastbound right-turn lane at the project driveway on Moccasin Wallow Road. This distance includes a 50 foot taper.

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

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

NEAREST THOROUGHFARE	LINK	ADOPTED LOS	FUTURE LOS (W/PROJECT)
Moccasin Wallow Road	2751	D	D

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

- The project is west of the Future Development Area Boundary
- The project will bring a new use to an area that is largely approved for single family residential.

NEGATIVE ASPECTS

- The project will initially be hooked up to septic.

MITIGATING MEASURES

This is not a use that will have a heavy sewer and water demand. Further, the project will be hooked into sanitary sewer when it becomes available.

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

None identified.

APPLICABLE LAND DEVELOPMENT CODE REGULATIONS
Factors for Reviewing Proposed Site Plans (Sections 402.11 and 531.16)

Physical Characteristics, Natural Features, Conservation and Preservation Areas

The ±14.74-acre site has 2.23 acres of wetlands that will not be impacted by this development.

Wetland buffer impacts are proposed by the access from Moccasin Wallow Road, sidewalk and utility connections. (5,246 sq. ft). The Project Narrative prepared by ZNS Engineering refers to LDC Section 706.7.C.1 which allows the application of a variable width buffer in circumstances where the application of a uniform width buffer would restrict vehicular access to an upland portion of the site. On site mitigation (9,131 sq.ft) is proposed along the southern boundary of the impacted wetland to achieve a variable width buffer that is code compliant.

Public Utilities, Facilities and Services

The following water and wastewater facilities are in the vicinity of this development project:

- Water: 30" CIP potable water main along Moccasin Wallow Road
- Sewer: No Sanitary Sewer directly in front of site
- Reclaimed: 20" DIP reclaimed water main along Moccasin Wallow Road

A septic tank and drainfield are proposed to service the four proposed restrooms associated with the mini-warehouse use. Connection to the County line is anticipated when the sanitary sewer line is installed in the right of way of Moccasin Wallow Road adjacent to the project.

The site will be served by Manatee County Department of Emergency Medical Services and the North River Fire District.

Compatibility

The proposed development is compatible with the commercial development pattern and trends of the nearby area. The site is located on Moccasin Wallow Road, near the Robinson Gateway DRI and the Parrish Lakes DRI (both of which are zoned Planned Development Mixed Use) and large areas that are zoned Planned Development Residential.

The establishment of proposed storage will provide services to the nearby residents. PDC zoning requires approval of a site plan by the Board of County Commissioners, and allows to attach conditions to the proposed project to ensure compatibility and adequate transition with surrounding zoning and land uses.

Transitions

This site is in the North Central Overlay, which requires additional buffering and setbacks. Transition between residentially zoned areas and the proposed commercial site is provided thru adequate setbacks, buffers, and screening. There is no discernible pattern of residential densities and non-residential intensities; the area is transitioning from agricultural to planned development in a mixture of residential and non-residential zonings.

Design Quality

The site plan as proposed is designed in such a manner as to address all criteria in the Land Development Code and consistent with the Comprehensive Plan. The site plan provides for open space exceeding the 20% requirement. The Specific Approvals have been identified in the design of the project and are requested under separate cover.

The proposed Preliminary Site Plan is for a mini-warehouse use with associated office and outdoor boat and RV storage. The property is suitable for development without hazard to persons or property in relation to

erosion, subsidence, slipping of the soil, flood hazard or other dangers. The property is currently characterized as improved pastures and disturbed land. There are existing trees scattered throughout the parcel, however, there is no area of native upland habitat. The physical characteristics and conditions are appropriate for nonresidential development.

Parking and Service Areas

Drive aisles and service areas are designed to provide safe and convenient access to the nonresidential use. All streets and utilities will be designed to meet Manatee County requirements and will require specific construction drawing approvals prior to construction.

The project design meets the requirements of LDC Section 403.12.G.4.a through c by providing sidewalks and marked crosswalks from the road to the office.

There are 20 parking spaces provided at Phase I buildout and 43 provided at total build out. Three bicycle rack spaces are provided.

Pedestrian Systems

Pedestrian access will be provided by sidewalks separated from vehicular access points from Moccasin Wallow Road to the office.

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.

Intensity

The applicant proposes a buildout total of 206,645 square feet, which is below to the maximum FAR allowed for projects within the UF-3 FLUC (0.35). The project has an FAR of 0.32.

Height

The property is within the North Central Overlay District which has a defined building height based on the setback of the building from the edge of pavement as outlined in Section 403.12.D.3 (I) of the LDC. The proposed storage building on Phase II has a building height of 45'.

The Preliminary Site Plan shows the building setback at 393.6 feet from the edge of the travel lane of Moccasin Wallow Road. Note 26 on the cover sheet indicates that the setback may be adjusted based on the final wetland delineation. However, the setback will not be less than 145.5 feet, which is the minimum setback for a three-story, 45-foot tall building in the North Central Overlay District.

The minimum setback is calculated as follows:

$(\text{Distance}/3) - 3.5 \text{ feet} = \text{maximum top height}$ where "Distance" is the distance between the structure and the ultimate edge of pavement of the most proximate travel lane of the Major Thoroughfare Road.

Given this formula, the minimum building height setback would be $45 + 3.5 \times 3 = 145.5$ feet.

Fences, Screening, and Landscaping

Landscaped buffers are proposed along the perimeters of the development. A fifty-foot roadway buffer is proposed along Moccasin Wallow Road, as is required by the North Central Overlay. Existing vegetation will be maintained as the front of the site is within a wetland. Twenty-foot buffers are proposed along the eastern, western, and southern property lines. Opaque walls will be used between the single-story buildings. A

decorative fence is proposed to connect the office and gate as shown on the PSP. An opaque fence is proposed for the outdoor storage area in Phase I. Fences and walls are proposed at six feet in height.

Yards and Setbacks / Relationship to Adjacent Properties

As noted above, the minimum setback for a three-story, 45-foot building in the North Central Overlay is 145.5 feet. The building will be located at least 145.5 feet from the edge of the pavement of Moccasin Wallow Road, but the final total setback will be determined after final wetland delineation (see note 26 of the PSP cover sheet).

The required side yard setback is 20 feet. The project has an eastern side yard setback of 20 feet and a western side yard setback of 280 feet. The required rear yard setback is 20 feet; 22.8 feet are provided. The project also meets the required wetland buffer setback of 15 feet.

Trash and Utility Plant Screens

A dumpster location is shown on the site plan. 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. Creative site development concepts for water conservation will be provided as a part of Final Site Plan construction drawings.

Utility Standards

Connection to Manatee County utilities is required and will be reviewed in greater detail with future Final Site Plan.

Stormwater Management

Stormwater management facilities shall adhere to the requirements of Section 801, Stormwater Management, and the County's administrative process. Although not anticipated at this time, specific deviations from the standards, due to an existing site constraint or dimensional conflict, will be requested in writing for individual approval by the Department Director.

Open Space

20% (2.95 acres) open space is required; the project provides 63% (9.36 acres).

SPECIFIC USE CRITERIA – 531.31 OUTDOOR STORAGE

Mini-warehouses/self-storage.

- A. Lot Dimensions.** A mini-warehouse lot shall be of adequate width and depth to meet the setback requirements of the district regulations and as set forth below.

The lot size proposed for this project is adequate to meet the requirements of the district regulations.

- B. Setbacks.** No main or accessory building shall be located within twenty (20) feet of any property line unless a more restrictive setback is required. Sufficient space and drive aisles shall be provided to allow emergency vehicles including fire apparatus to maneuver between and around structures without having to back up. A secondary route within the project site shall be provided to ensure that emergency vehicles and fire apparatus are able to effectively respond to an emergency, approved by the Department Director.

All buildings are setback at least 20 feet from property lines. There is a network of drive aisles for maneuverability.

- C. Storage.** The storage of toxic, lethal, flammable, hazardous contraband, rubbish, explosives, animals, radioactive substances, underground storage tanks, or the like thereof shall be considered unsafe and not allowed to be stored. If, upon inspection by an appropriate agency, it is determined that any of the above substances or material has been stored, the facility shall be immediately closed and shall not reopen until a new Certificate of Occupancy is approved by all appropriate agencies. All costs associated with the removal, evacuation, inspections and approvals shall be borne by the property owner. Any property owner of a mini-warehouse who permits such materials to be stored shall be guilty of a violation of this Code. All storage shall be completely within the buildings. Public sanitary facilities, handicap facilities, potable water, and emergency eye wash facilities with the appropriate safety signage shall be provided and readily visible in the buildings.

The applicant has not indicated any intent to store any materials listed or similar to those listed.

- D. Limitation.** The use of any mini-warehouse as an office space or combination office space and retail/wholesale space without specific development approvals is not allowed.

The applicant is not seeking approval to use mini-warehouse space for office or combination space.

- E. Screening.** Screening shall be provided in accordance with Section 701 and limited to the fence option. No alternative berm screening shall be allowed. Elevations of proposed screening fences shall be provided with each submittal for site plan approval. These elevations shall contain information regarding the height, design, color, opacity, lighting, and building materials to be used for the fence and shall be reviewed by the Department Director to ensure compatibility with surrounding properties. When a concrete block or masonry wall is used for the rear warehouse structure wall, this wall may serve as the opaque, decorative fence required for mini-warehouses. If there are separations between buildings, these areas shall be screened with a minimum six (6) foot high concrete block or masonry wall. All required landscaping, per Section 701 shall be located within the twenty (20) foot setback area.

The project has been reviewed for and is in compliance with Section 701 of the code.

- F. Landscaping.** Foundation planting in the amount of forty (40) square feet per one thousand (1000) feet of gross floor area shall be provided.

The applicant will meet this criteria.

- G. Outdoor Storage.** Outdoor storage of motor vehicles, recreational vehicles, boats and other similar items shall be allowed as an accessory use to mini-warehouse facilities in the GC, MX, HC, LM, VIL, and PI districts if the following standards are met and the outdoor storage is approved as part of their site plan approval.

This application is for a rezone to Planned Development Commercial (PDC). Mini-warehouse self storage is a permitted use in PDC; the following standards to do not apply to this zoning district.

Outdoor storage may be allowed within the interior of the project as long as the storage area is a distance of at least fifty (50) feet from the property lines.

All outdoor storage areas shall be shown on the site plan for the mini-warehouse project. For existing mini-warehouse facilities, new outdoor storage shall not be allowed until the site plan is approved.

All accessory outdoor storage shall be screened from adjacent property by a solid, decorative, opaque wall or fence, a minimum of six (6) feet in height. Canopy trees shall also be provided within the buffer area at a minimum of three (3) trees per one hundred (100) lineal feet.

SPECIFIC APPROVALS – FINDINGS

The Manatee County Land Development Code identifies Specific Approval as a finding by the Board that a proposed action, design, or solution proposed by the applicant that is not literally in accord with the applicable Planned Development regulations either meets or exceeds the regulations as outlined by the Code.

1. Alternative to LDC Section 1001.6.A.1.a: Sidewalks – To allow payment in lieu of construction of a five-foot sidewalk along the northern property line

LDC Section 1001.6.A.1.a requires sidewalks along both sides of all new or existing Major Thoroughfares, unless the development is adjacent only to one (1) side of the thoroughfare. In such case, the development shall be required to construct a sidewalk only on the side of such street lying adjacent to the development.

Staff Analysis and Recommendation:

Staff is in support of the request for Specific Approval for an alternative to Section 1001.6.A.1.a of the LDC to allow payment in lieu of construction of the sidewalk since:

- The project provides a 35 foot future right of way setback to accommodate the planned expansion of Moccasin Wallow Road
- The ultimate alignment of the sidewalk is unknown; payment in lieu of the sidewalk will ensure the sidewalk in front of this property will be property aligned.

Finding for Specific Approval:

Notwithstanding the failure of this plan to comply with the requirements of LDC Section 1001.6.A.1.a, the Board finds that the purpose of the LDC regulation is satisfied to an equivalent degree by the proposed design because payment will be provided in lieu of sidewalk construction.

STAFF RECOMMENDED STIPULATIONS

A. DESIGN AND LAND USE STIPULATIONS

- 1.) 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.
- 2.) All other applicable state or federal permits shall be obtained before commencement of the development.

B. ENVIRONMENTAL STIPULATIONS

- 1.) 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. The Management Plan, and correspondence and permits, approved by the State (Florida Fish and Wildlife Conservation Commission) shall be submitted prior to the commencement of development for any listed species found on site.
- 2.) If wells are encountered, 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.
- 3.) 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.
- 4.) The project shall not impact the 2.32 acre wetland.

C. STORMWATER ENGINEERING STIPULATIONS

- 1.) Pursuant to Section 801 and 802 of the Land Development Code and Code of Federal Regulations (CFR), Title 44, Section 60.3, 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 FEMA 2014 FIRM 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 Buffalo Canal Watershed.
- 3.) All fill within the 25- and 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 adopted Buffalo Canal 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 Buffalo Canal tributary systems. In addition, a twenty (20) feet Drainage-Maintenance Access Easement shall be provided from the top of bank along Buffalo Canal tributary systems. Manatee County is only responsible for maintaining the free flow of drainage through these systems.
- 5.) The Applicant's request for Specific Approval to waive the actual construction by the Applicant of a sidewalk is granted by the BOCC subject to the Applicant entering into a Sidewalk Agreement to provide for a payment to the County in -lieu of the construction of a sidewalk abutting the frontage of the project boundary along Moccasin Wallow Road. This Specific Approval shall not constitute a waiver by the County of the legal and equitable remedies otherwise available to the County to enforce the Applicant's obligation to construct said sidewalk.

D. UTILITY ENGINEERING STIPULATIONS

- 1.) Connection to the County water and wastewater system is required pursuant to the Manatee County Comprehensive Plan. The connection to County wastewater will be made as soon as the infrastructure along Moccasin Wallow is available. 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 applicable 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.

ATTACHMENTS

- 1. Applicable Comprehensive Plan Policies**
- 2. Staff Report Maps**
- 3. Preliminary Site Plan**
- 4. Traffic Impact Statement**
- 5. Environmental Narrative**
- 6. Specific Approval Letter**
- 7. Zoning Disclosure Affidavits**
- 8. Newspaper Advertising**
- 9. Ordinance PDC-18-21(Z)(P)**

APPLICABLE COMPREHENSIVE PLAN POLICIES

<p>Policy 2.1.2.7</p>	<p>Review all proposed development for compatibility and appropriate timing of development. This analysis shall include the following:</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) <p>Implementation Mechanism(s):</p> <ol style="list-style-type: none"> a) County review of all plan amendments and development proposals for consistency with this policy. b) Placement of stipulations, as necessary on development applications to ensure policy compliance. c) Adoption of provisions in the LDC to ensure development compatibility and appropriate timing of development.
<p>Policy 2.2.1.11</p>	<p>UF-3: Establish the Urban Fringe - 3 future land use category as follows:</p>
<p>Policy 2.2.1.11.1</p>	<p>Intent: To identify, textually, in the Comprehensive Plan's goals, objectives, and policies, or graphically on the Future Land Use Map, areas limited to the urban fringe within which future low density residential and support uses are projected to develop following a logical expansion of the urban environment growing from west to east, consistent with the availability of services. The nature, extent, location of development, and availability of services shall be reviewed to ensure the development of these lands is conducted consistent with the intent of this policy. The UF-3 land use category includes areas of low density urban residential development, generally developed through an integrated master plan approach. The UF-3 category also provides for a complement of residential support uses normally utilized during the daily activities of residents of these low density environments, and in limited circumstances non-residential uses of a community serving nature to allow for a variety of uses within these areas which serve more than the day to day needs of the community. (See further policies under 2.2.1.11.4)</p>
<p>Policy 2.2.1.11.2</p>	<p>Range of Potential Uses (see Policies 2.1.2.3 - 2.1.2.7, 2.2.1.5): Low density residential and medium-density clustered residential uses, short-term agriculture, neighborhood and community-serving commercial and office uses, and public/semi-public uses, recreation and schools, See Objectives 4.2.1 and 2.10.4.</p>

Policy 2.2.1.11.3

Range of Potential Density/Intensity:

- Maximum gross residential density:
 - 3 dwelling units per acre;
 - 9 dwelling units per acre at activity nodes (see Policy 2.2.1.11.4).
 - 9 dwelling units per acre for residential projects that designate a minimum of 25% of the total dwelling units as “Affordable Housing.”
 - Properties within the CEA and CHHA are not eligible for the additional density offered for activity nodes and affordable housing.
- Maximum net residential density:
 - 9 dwelling units per acre;
 - 12 dwelling units per acre for mixed-use developments at activity nodes (see Policy 2.2.1.11.4).
 - 12 dwelling units per acre for residential projects that designate a minimum of 25% of the total dwelling units as “Affordable Housing.”
 - Clustered developments in the WO or CHHA Overlay Districts may exceed the maximum net density pursuant to Policies 2.3.1.5 and 4.3.1.5.
- Maximum floor area ratio:
 - 0.35;
 - 0.5 at activity nodes (see Policy 2.2.1.11.4).
- Maximum Square Footage for Neighborhood Commercial Uses:
 - Medium (150,000 sf), subject to the Commercial Locational Criteria (see Policy 2.2.1.11.4).
 - Large (300,000 sf), subject to the Commercial Locational Criteria (see Policy 2.2.1.11.4).

Policy 2.2.1.11.4

Other Information:

- a) Schools in the UF-3 future land use category may only be permitted in areas where residential development has created demand or is projected to create demand within a reasonable planning timeframe.
- b) In order to serve more than day to day needs within the UF-3 suburban environment, activity nodes with neighborhood and community-serving commercial uses may be permitted if consistent with the Commercial Locational Criteria (see Objective 2.10.4 and Land Use Operative Provisions chapter). Residential uses may also be permitted at nodes, but the higher densities noted in Table 2-1 and Policy 2.2.1.11.3 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, and detailed in the Land Use Operative Provisions provided such office is located on a roadway classified as a minor or principal arterial (not including interstates) and it meets all other commercial development standards and the goals, objectives, and policies in this Comprehensive Plan.