Board of County Commissioners: 06/23/2020

PDR-19-17(Z)(P) – LUNA LAKES SUBDIVISION – RLG INVESTMENTS OF BRADENTON LLC (OWNER) – PLN1909-0013

An Ordinance of the Board of County Commissioners of Manatee County, Florida, regarding land development, amending the Official Zoning Atlas (Ordinance 15-17, as amended, the Manatee County Land Development Code), relating to zoning within the unincorporated area; providing for a rezone of approximately 23.97 acres generally located along 24th Avenue East, south of 28th Street Court East and north of 21st Street Court East, and commonly known as 2303 24th Avenue East and 2202 21st Street Court East, Palmetto (Manatee County) from A-1 (Agricultural Suburban) to the PDR (Planned Development Residential) zoning district; approving a Preliminary Site Plan for a 101 lot residential subdivision for single family detached dwellings; subject to stipulations as conditions of approval; setting forth findings; providing a legal description; providing for severability; and providing an effective date.

Planning Commission: **6/11/2020**

Board of County Commissioners: **6/23/2020**

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 stipulated herein, I move to ADOPT Manatee County Zoning Ordinance Number PDR-19-17(Z)(P); APPROVE the Preliminary Site Plan with Stipulations A.1-A.7, B.1-B.7, C.1-C.5, D.1, and E.1; ADOPT the Findings for three (3) Specific Approvals; and GRANT Specific Approval for alternatives to Land Development Code Sections 402.7.D.1 (Site Planning), 701.4.B.2 (Roadway Buffers) to reduce the required buffer adjacent to 21st Street Court East from 20-feet to 10 feet, and 701.4.B.4.i (Residential Greenbelts) to eliminate the requirement of a 15-foot Greenbelt Buffer along the southern edge of Pond 1, as recommended by the Planning Commission.

(Commissioner Bellamy)

PLANNING COMMISSION ACTION:
On June 11, 2020, by a vote of 6 – 0, the Planning Commission recommended approval. Mr. Rutledge was absent.

PUBLIC COMMENT AND CORRESPONDENCE:
June 11, 2020 Planning Commission

Public Comments

Tom Gomez, owns industrial lot to the south on 21st Street Court East and is moving business there, stated:

- **Concerned about the residential subdivision going in near a noisy industrial facility,**

- **His business has 5 – 6 semi-trailers that come in and out daily,**
- **He also owns lot next door for future expansion, which is just south of proposed community,**
- **He may have an evening shift starting soon, with semi-trailers coming in and out in the evening into the night,**
- **Would like the Commission to take that into consideration because of any future prohibitions of industrial and to properties to the south.**

Karen Thomas, home south side of drainage ditch on 24th Avenue;

- **Her property has flooded since 2008,**
- **Doesn't think this will be a negative impact on her home value to much,**
- **She has industrial to the south of them and residential to the north of them, her home is on septic and well water, if they could be considered to be allow the neighbors to tie into the County system. This would help mitigate the loss of some of her property values,**
- **The road improvements will help with the narrow roads in area,**
- **West of 24th Avenue on 28th Street in area is 3 apartments buildings, that were being developed and have been let to and dilapidated she is concerned that this will happen with this project,**
- **There are horse farms in the area and she didn't see any plans for weeks walls around property so kids can't run over to the staples and do things they shouldn't or get hurt.**

James Dumas, Co-owner, Blue Sky Metals a rebar manufacturing company, on a 3 acre lot just south of the development, stated:

- **Their lot is located in Manatee Industrial Park is zoned for industrial use as are other lots in the park,**
- **Chose Manatee Industrial Park because close access to I-75 and I-275 and it was zoned for industrial,**
- **They have made a substantial investment to property, plant and equipment to grow business, create jobs in area that needs jobs,**
- **Poor decision to allow residential developer to encroach that close to the industrial land and will likely cause noise problems in future,**
- **Their property is enclosed with 8 feet concrete wall and a buffer but still concerned a noise ordinance will go into effect and they will get complaints from the homeowners of homes that are built to close to industrial park,**
- **His business supplies construction industry and is fully operational by 6 am and plan to add additional shifts to become a 24/7 fabrication plant. Diesel trucks, forklifts backing up and people shouting over noise will be enough to wake up people in homes closest to 21st St. Ct. E.,**
- **They are a small family owned and operated business.**
- **If approved asked for a larger setback with elevated berm and concrete wall with larger landscape buffer along 21st St. Ct. E. to reduce noise.**

Chris Witherington, owns lots across street from Mr. Dumas, stated:

- **He has same concerns as Mr. Dumas,**
- **He just signed a contract for an engineering company to start work,**
- **He would like to make sure no noise complaints in the future.**

Additional public comments were entered into the record.

PROJECT SUMMARY	
CASE NUMBER	PDR-19-17(Z)(P) (PLN-1909-0013)
PROJECT NAME	Luna Lakes Subdivision
APPLICANT(S) / AGENT	RLG Investments of Bradenton, LLC / Mark P. Barnebey, Blalock Walters, PA (Agent)
EXISTING ZONING	A-1 (Agricultural Suburban)
PROPOSED USE(S)	Residential, Single-Family Detached
SPECIFIC APPROVAL REQUEST(S)	LDC Sec. 701.4.B.4.i. Residential Greenbelts LDC Sec. 701.4.B.2 Roadway Buffers LDC Sec. 402.7.D.1 Site Planning
CASE MANAGER	Marshall Robinson
STAFF RECOMMENDATION	Approval of Preliminary Site Plan with stipulations

DETAILED DISCUSSION

History

The subject property is approximately 23.97 acres consisting of two contiguous parcels that have been zoned A-1 (Agricultural Suburban) since 1990. The property lies within the RES-3 Future Land Use Category (FLUC). These parcels are currently occupied with a mobile home and other residential structures.

Request

The proposed residential planned development has road frontage along 24th Avenue East and 21st Street Court East in Palmetto. The request is for approval of a rezoning from A-1 to PDR (Planned Development Residential) with an associated Preliminary Site Plan (PSP) for single family residential development consisting of 101 lots for detached dwellings. The project has an affordable housing certificate and according to Land Development Code (LDC) Section 545.2.E.1. – Table 5-6 Housing Density Bonus – based on the existing FLUC of RES-3, a density bonus of up to 6 dwelling units per gross acre and of 9 dwelling units per net acre can be considered. LDC Section 542.2.E.7 requires the Applicant to enter into a land use and deed restriction agreement (LURA) with the County. Projects with the affordable housing designation are also eligible for administrative modifications to the code sections outlined in LDC Section 365.3. These modifications are limited to 30% of the numerical requirement.

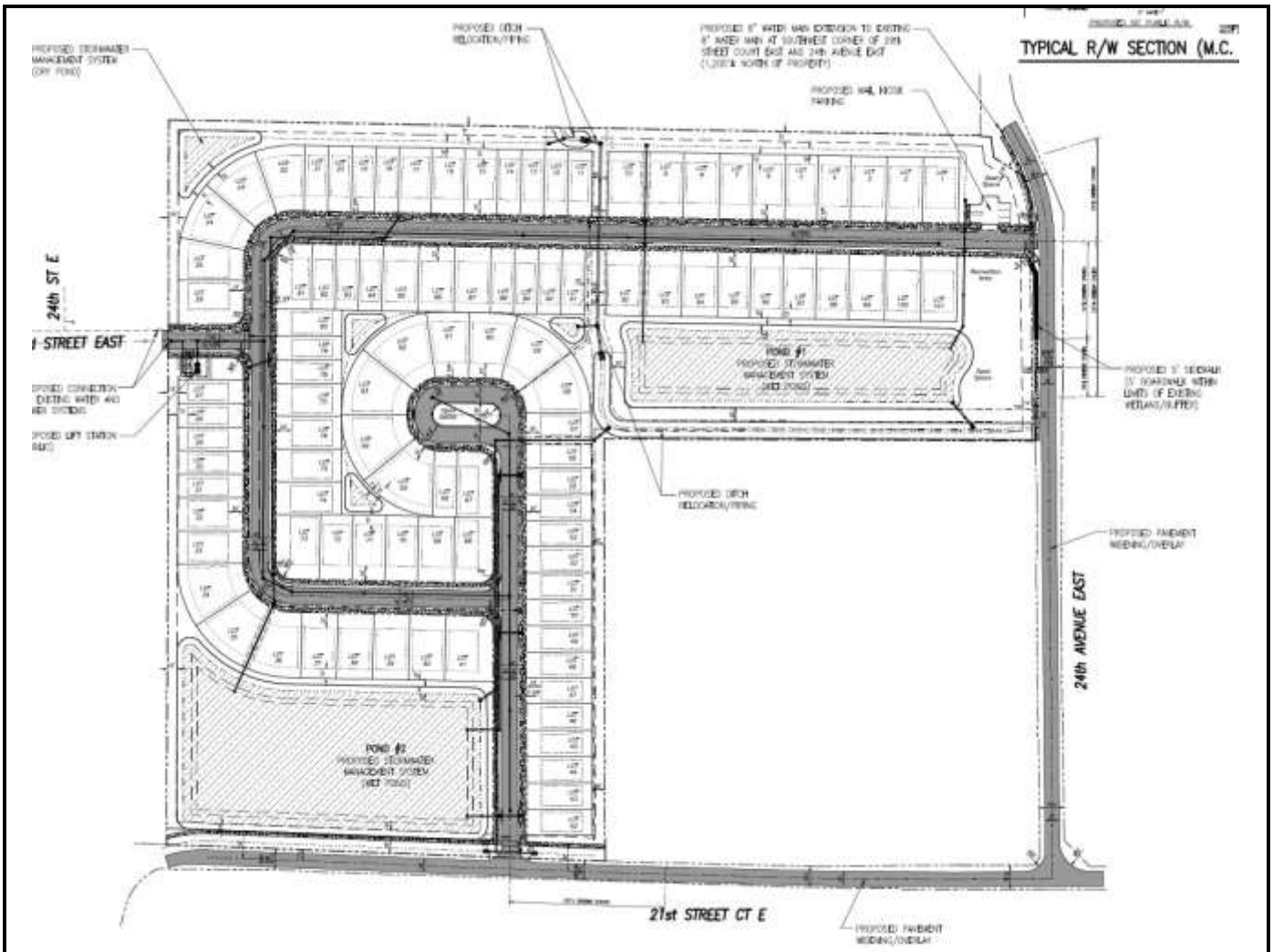
The project proposes 101 lots for single-family residential detached dwellings situated east of the North Orange Estates subdivision where the project will make an interneighborhood connection to 23rd Street East via the proposed internal local roadway as shown on the submitted PSP. There are approximately 65 developed lots between Canal Road to the west and the proposed project that have an average lot size of 6,534 square feet. South of North Orange Estates and adjacent to the subject property's southwest boundary is undeveloped land zoned RSF-4.5 where the minimum lot size is limited to 7,000 square feet for single-family residential development. In comparison to the residential development immediately adjacent to the west, the gross density developed by the North Orange Estates subdivision is approximately 3.9 dwelling units per acre with 65 single-family detached units on approximately 16.8 acres of land. The proposed development, with density bonus, seeks a gross density of 4.2 dwelling units per acre. This density is commensurate to the neighboring property and well below the maximum gross density of 6 dwelling units per acre allowed for affordable housing at this location.

As can be seen on the proposed PSP submitted for consideration, the north perimeter boundary will provide a 15-foot greenbelt buffer with landscape materials and a 5-foot utility easement. These treatments to the boundary provide a reduction of impact from the proposed development onto the abutting A-1 zoned property to the north and satisfies LDC requirements. The proposed lots situated along the north boundary will offer minimum rear yard building setbacks of 15 feet.

The applicant has requested a Specific Approval from the required 15-foot residential greenbelt buffer along the perimeter boundary south of Pond #1 as shown. The Specific Approval request is due to the County requiring a 20-foot easement that will contain a maintenance berm south of Pond #1 whereby no landscaping can be planted. Pond #1 provides significant separation between lots 1 through 10 and 92 through 101 as shown. In addition to the adequate separation and buffering from the proposed lots north of the pond and the land adjacent to the south, there are existing trees south of the maintenance easement that will remain which increases screening provided by the proposed development.

Additional Specific Approvals are also requested from the 20-foot wide buffer required for site planning and roadways along rear property lines abutting a right-of-way to any public road in the PDR district. Instead of providing the 20-foot buffer, the project will provide a 10-foot roadway buffer in conjunction with pond #2 as shown along 21st Street Court East at the south perimeter boundary of the project. The proposed PSP shows a future widening of 21st Street Court East with a right-of-way reservation of 42 feet. The south side of 21st Street Court East is land zoned LM (Light Manufacturing), a significantly more intense zoning classification. Pond #2 as shown on the proposed PSP provides significant separation between the lots shown north of Pond #2 and the roadway. Tree and shrub requirements will be satisfied within the reduced buffer of 10 feet.

A request for Administrative Modification approval has been made for the roadway buffer requirement along the project side of 24th Avenue East. The Code requires a 20-foot roadway buffer along rear property lines abutting right-of-way and the applicant proposes to provide a 15-foot buffer instead. As previously mentioned, LDC Section 365.3, allows projects whereby at least 25% of the units are affordable, as defined by the LDC, administrative modification is limited to 30% of the numerical requirement. The requested administrative modification satisfies this requirement by deviating no more than 25% of the numerical requirement by providing the 15-foot buffer as shown along 24th Avenue East on the proposed PSP.



The proposed project will provide 41.1% open space exceeding the minimum requirement of 25% that includes two stormwater ponds, wetland areas, buffers and recreation areas. The project will provide increased connectivity by connecting the proposed internal roadway to the existing local road of 23rd Street East to North Orange Estates to the west. The development will take access from 24th Avenue East and 21st Street Court East as shown on the PSP. The project will also continue pedestrian connectivity by providing sidewalks on both sides of the internal roadway network. The construction of these sidewalks will provide an opportunity for future off-site sidewalk construction to connect to this project and its sidewalks. There are no external sidewalks constructed adjacent to this site. This project will provide sidewalks for future projects to extend the sidewalk network. More details can be found in the LDC and Comprehensive Plan compliance sections of this report.

Staff recommends Approval with stipulations

SITE CHARACTERISTICS AND SURROUNDING AREA	
ADDRESS	2303 24th Avenue East, Palmetto 2202 21st Street Court East, Palmetto
GENERAL LOCATION	East of 24th Avenue East and North of 21st Street Court East
ACREAGE	Approximately 23.97 acres (gross) Approximately 9.84 acres (net)
EXISTING USE(S)	Residential and Residential Amenities

FUTURE LAND USE CATEGORY(S)	RES-3	
DENSITY	4.2 du/ac gross density 5.4 net density (requesting affordable density bonus)	
INTENSITY	NA	
OVERLAYS	NONE	
SURROUNDING USES AND ZONING		
NORTH	Undeveloped acreage with barn zoned A-1 Vacant land zoned A-1 and RSF-1	
SOUTH	21st Street Court East Vacant land zoned LM Developing property zoned LM	
EAST	24th Avenue East Single-Family Residential zoned A-1	
WEST	Vacant acreage zoned RSF-4.5 Single-Family Residential (North Orange Estates) zoned PDR	
SITE DESIGN DETAILS		
SETBACKS	Minimum Front: 23 Feet (25 Feet from sidewalk) Minimum Side: 5 Feet Minimum Rear: 15 Feet Minimum Waterfront: 30 Feet (If corner lot) Minimum Front: 23 Feet (25 Feet from sidewalk – both)	
MINIMUM LOT SIZE(S) / LOT TYPE(S)	3,600 Square Feet (36 Feet by 100 Feet)	
HEIGHT	3-Story Maximum (Not to exceed 35 feet)	
OPEN SPACE	Required	Provided
	25% (5.99 Acres)	41.1% (9.84 Acres)
ACCESS	Single Access to 24th Avenue East Single Access to 21st Street Court East Roadway connection to 23rd Street East	
FLOOD ZONE(S)	Partially located in the 100-year floodplain (Zone “A”) per FIRM Panel 12081C0166E, effective 3/17/2014. The applicant shall establish the Base Flood Elevation for areas within Zone “A” at time of Final Site Plan/Construction Plan submittals. The project area is partially located within the County 25-year floodplain.	
AREA OF KNOWN FLOODING	Project Located in Flood Prone Area: Yes Type of Flooding (i.e. rainfall, riverine, storm surge, etc): Rainfall. Project Subject to flow reduction: Yes; 50% reduction in allowable pre-development runoff is required for Big Chimney Drain.	

	Watershed/Basin: Big Chimney Drain. Project located within Floodplain and/or Floodway: Project is partially located within the FEMA 2014 FIRM 100-year floodplain (Zone "A"). The Base Flood Elevation shall be determined for areas designated as Zone "A". In addition, the project is partially located within the County 25-year floodplain. Refer to Stormwater Conditions C.1 through C.5.
UTILITIES	Water: 6-inch water main stub on 23rd Street East in the North Orange Estates subdivision to the west. 8-inch water main stub near the intersection of 21st Street East and 16th Avenue East 8-inch water main stub near the intersection of 28th Street Court East and 24th Avenue East 8-inch water main on the east side of the railroad near the intersection of 21st Street Court East and 28th Avenue East

ENVIRONMENTAL INFORMATION

OVERALL WETLAND ACREAGE	0.04
PROPOSED WETLAND IMPACT ACREAGE	0.00

WETLAND I.D.	WETLAND ACREAGE	ACRES IMPACTED	TYPE	QUALITY (UMAM SCORE)	REASON FOR IMPACT	ERS OBJECTION	EXPLANATION
Wetland	0.04	0.00	Freshwater Marsh	NA	NA	No	Proposing no impact
TOTAL	**0.04**	**0.00**					

Wetlands

Per Environmental Narrative provided by Eco Consultants, dated June 2019 and revised October 2019, there is one jurisdictional wetland within the project area. This 0.04 acre Freshwater Marsh

Uplands

Per Environmental Narrative provided by Eco Consultants, dated June 2019 and revised October 2019, the project area does not contain any native upland habitat. The majority of the project area consists of Disturbed Lands (FLUCCS 740) at 9.85 acres. 5.61 acres consists of Specialty Farms (FLUCCS 250) including stables and pasture for horses. 4.06 acres is Improved Pastures (FLUCCS 21) which are dominated by various grasses, including bahia grass and cogon grass, live oaks are scattered throughout the pasture area. The remaining 2.17 acres of uplands consists of Nurseries and Vineyards (FLUCCS 240) including old nursery buildings, storage areas, and asphalt/pavement.

Endangered Species

Per Environmental Narrative provided by Eco Consultants, dated June 2019 and revised October 2019, no listed species were observed on site. The project does fall within the Core Foraging Areas (CFA) for the Ayers Point (Atlas No. 615113) of Wood Storks, which are "Threatened". No evidence was found of breeding or foraging occurring within the project area, but they are listed as "likely" to occur in the vicinity of the project per FNAI Biodiversity Matrix. No Gopher Tortoises or burrows were observed on site, but Eco Consultants recommend a 100 percent survey of suitable habitat to be conducted and the location of any potential occupied Gopher Tortoise burrows be identified.

ERS Staff has stipulated Eco Consultants recommendation. Please see stipulation B.4 regarding requirements for threatened and endangered plant and animal species prior to Final Site Plan approval.

Trees

Tree Removal/Replacement to be determined at Final Site Plan and shall be in accordance with LDC Section 402, 700, & 701.

Landscaping/Buffer

- Roadway Buffer along 24th Ave E: 20-foot Required; 15-foot Provided per LDC Section 365.3. Administrative Modifications for Affordable Housing.
- Roadway Buffer along 21st Street CT E: 20' Required; 10-foot Proposed with Specific Approval Request
- Greenbelt Buffer to North: 15-foot Required; 15-foot Provided
- Greenbelt Buffer to West: 15-foot Required; 15-foot Provided
- Greenbelt Buffer to interior South: 15-foot Required; 15-foot Provided
- Greenbelt Buffer south of Pond #1: 15-foot Required; 0 feet Proposed with Request

NEARBY DEVELOPMENT

NON-RESIDENTIAL

PROJECT	FLUC	ZONING	ACRES	DWELLING UNITS / SQUARE FEET	DENSITY / INTENSITY
Warehousing	City of Palmetto	City of Palmetto	10.76	78,000 square feet	0.166 FAR

RESIDENTIAL

SUBDIVISION	FLUC	ZONING	ACRES	DWELLING UNITS / SQUARE FEET	DENSITY / INTENSITY
North Orange Estates	RES-6	PDR	16.77	65	3.88 du/ac
Oak View	RES-6	PDR	54.54	198	3.63 du/ac
Lauris at the Villages of Avignon	RES-3 DENSITY BONUS AFFORDABLE HOUSING	PDR	14.26	82	5.75 du/ac
Monteux at Villages of Avignon	RES-3 SPECIAL APPROVAL GRANTED (DENSITY)	PDR	56.4	228	4.04

POSITIVE ASPECTS

- The project presents an opportunity for an Affordable Housing Project
- Compatibility achieved with implementation of code requirements such as landscaping and buffering, site design, and stormwater facility locations.

- Improved vehicular connectivity by continuing existing roadway network via existing interneighborhood connection.
- Improved pedestrian connectivity by continuing the pedestrian network of sidewalks as part of the proposed project

NEGATIVE ASPECTS

No apparent negative aspects.

MITIGATING MEASURES

Not applicable.

STAFF RECOMMENDED STIPULATIONS

A. DESIGN AND LAND USE

1. All other applicable local, state or federal permits shall be obtained prior to commencement of construction.

2. If the project is to be developed in phases, a phasing plan shall be shown on the Final Site Plan.

3. Any roof mounted mechanical equipment (e.g., HVAC) shall be screened with a solid parapet wall or other visual and noise deflecting materials. The materials shall be consistent with the construction of the principal building(s).

4. Final Site Plan (FSP) review and approval is required for recreational area(s) with amenities. Any structures and/or uses shall comply with the LDC requirements for parking, screening buffer (recreational use to single family), structure height, signage, etc. Recreation Area structure(s) shall have a minimum setback of 20-feet from property lines.

5. Maximum height may be 3-stories; however, no structure shall exceed 35 feet in height.

6. The Applicant shall enter into a land use and deed restriction agreement with the County to provide for the designated number of affordable housing units in accordance with Section 545.2, Land Development Code."

7. The Notice to Buyers shall be included in the Declaration of Covenants and Restrictions, and in a separate addendum to the Sales Contract, and in the Final Plat, and shall include language to inform prospective homeowners of:

   a. The presence of industrial uses, LM (Light Manufacturing) zoning and IL (Industrial Light) Future Land Use in the nearby area and their potential impacts (light, noise and odor).

B. ENVIRONMENTAL

1. There are no impacts to jurisdictional wetlands or wetland buffers being approved by the adoption of this Ordinance.

2. No lots shall be platted through post-development wetlands, wetland buffers or upland preservation areas.

3. A 100 percent Gopher Tortoise (*Gopherus polyphemus*) survey shall be conducted within 90 days of construction. Prior to commencement of construction, the applicant shall demonstrate there is no requirement to obtain permits for the relocation of Gopher Tortoises on-site, or, if there is a need to, provide copies of the proper Florida Fish and Wildlife Conservation Commission (FFWCC) permits, and maps showing locations of all burrows and any encounters, to Environmental Review Section staff within 30 days of permit issuance.

4. 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. Evaluation of the proposed development site shall contain dates of field review, name and qualifications of individual(s) conducting the field review – including authorized Gopher Tortoise Agents, a statement of the methodology used to conduct the habitat assessment and biological survey, a map indicating where listed species (or nests or burrows) were observed on the site, a list of all species observed on site, and a habitat management plan describing measures proposed by the applicant to ensure non-disturbance, relocation or other acceptable mitigative measures.

5. 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.

6. 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.

7. Street Trees:

    - Canopy trees within 10 feet of a public sidewalk shall meet Manatee County Public Works Standard Section 301.1, and Exhibit 301.1, entitled “Sidewalk Location Close to Trees”. All sidewalks in the right-of-way within 10 feet of an existing or proposed tree that will exceed 6-inches in diameter at maturity shall be 5 inches thick and contain two number 3 rebar entered vertically and spaced 3 feet on center. Palms are not considered trees.

    - If within 10 feet of the tree trunk, potable water service line shall have 48 inches of cover from top of pipe from the meter to the home connection; or, as an alternative, the water line may be installed at 18 inches with a polyethylene service pipe conforming with AWWA C-901.

    - Where within ten feet of the tree trunk, irrigation service lines from the street shall have 48 inches of cover from top of pipe to the valve, or as an alternative, the irrigation line may be installed at 18 inches with a polyethylene service pipe conforming with AWWA C-901. Irrigation valve shall be located as far as possible from the regulated street tree location to minimize impacts to this infrastructure.

C. STORMWATER

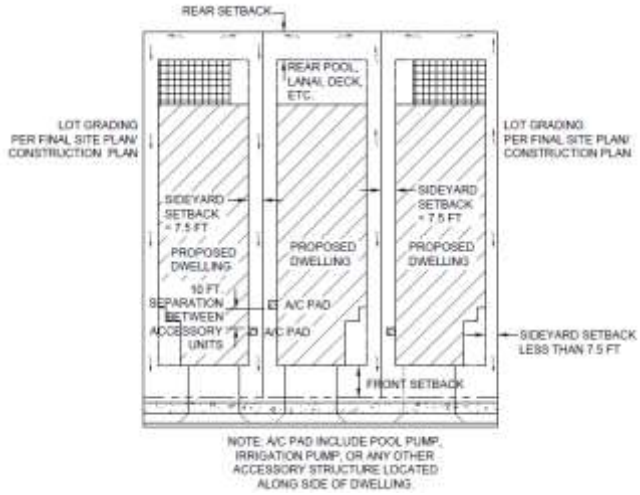
1. Pursuant to Section 801 and 802 of the Land Development Code, the subsequent Final Site Plan and Construction Plan submittal(s) and associated Drainage Modeling shall demonstrate that no adverse impacts will be created to neighboring properties surrounding the site with respect to proposed impacts to the established 25- and 100-year floodplains 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 Big Chimney Drain Watershed.

3. Any fill within the 25 year and 100-year floodplain shall be compensated by the creation of an equal or greater storage volume above seasonal high water table. 25-year and 100-year floodplain compensation shall be compensated in sole use compensation areas, not dual use facilities (i.e., stormwater attenuation and floodplain compensation).

4. A Drainage Easement shall be dedicated to Manatee County and be provided within the project boundaries for Big Chimney Drain (county designated maintenance system "N-45"). In addition, a twenty (20) feet Drainage-Maintenance Access Easement shall be provided along one side of this drainage system. Manatee County is only responsible for maintaining the free flow of drainage through this system.

5. Ten (10) feet of separation shall be provided between accessory structures (i.e., Heat Pumps, A/C Handlers, pool pumps, etc.) along the side yards of properties with a side yard setback of 5 feet.



D. TRANSPORTATION

1. A detailed traffic analysis will be required prior to final site plan approval depending on type and size of development. Additional on-site and/or off-site improvements may be required as the property is developed.

E. UTILITIES

1. Connection to the County water and wastewater system 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 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.

REMAINING ISSUES OF CONCERN – NOT RESOLVED OR STIPULATED

No remaining issues.

COMPLIANCE WITH LAND DEVELOPMENT CODE STANDARDS				
Standard(s) Required	**Design Proposal**	**Compliance**		**Comments**
		Yes	**No**	
BUFFERS				
20-foot Roadway Buffers	1. 24th Avenue East: 15 Feet 2. 21st Street Court East: 10 Feet		X	Staff supports the proposed buffers in accordance with Section 365.3 of the LDC. Specific Approval Requested and is support by staff
Perimeter Buffer (15-feet required)	North and West East: 15 or 20 Feet South of Pond 1: 0 Feet	X X	 X	Meets minimum standard Meets or exceeds minimum standard Specific Approval Requested and is support by staff
SIDEWALKS				
Sidewalk	5-foot sidewalk provided on both sides of the internal roadway 5-foot sidewalk provided along the west side of 24th Avenue East and 5-foot boardwalk within limits of existing wetland/buffer 5-foot sidewalk provided along the north side of 21st Street Court East	X		The development is located within the 2-mile walking radius of Tillman Elementary and the zoned Blackburn Elementary School. The sidewalks connect through the neighborhood, along both sides of the internal roadways and both sides of the 24th Ave East entrance drive, one side of the 21st Street Court East entrance drive and along the project frontage of 21st Street Court East.

DRIVEWAYS, ROADS AND RIGHTS-OF-WAY

The site is located in the northwest quadrant of 24th Avenue East and 21st Street Court East. In the Future Traffic Circulation Plan, 24th Avenue East is an existing two-lane road with 30 mph posted speed and is designated as a two-lane collector roadway with a planned right-of-way width of 50 feet. 21st Street Court East is an existing two-lane road with 30 mph posted speed and is designated as a two-lane collector roadway with a planned right-of-way width of 84 feet.

Transportation Planning reports that 24th Avenue East is designated as a two-lane collector roadway with a planned right-of-way width of 50 feet. The site plan indicates an existing 20 foot half with and a 5 foot future right-of-way setback, consistent with the Comprehensive Plan. 21st Street Court East is designated as a two lane collector roadway with a planned right-of-way width of 84 feet. The site plan indicates an existing 17 foot half with and a 25 foot future right-of-way setback, consistent with the Comprehensive Plan.

The need for additional right-of-way dedication to accommodate any required improvements will be determined with the review of the traffic impact analysis and safety and operations review. Once those reviews are completed and required improvements determined, any additional right-of-way dedication shall be shown. If no improvements are required or required improvements can be constructed within the additional right-of-way, a future right-of-way setback consistent with the Comprehensive Plan's Future Traffic Circulation Map will be required.

All proposed internal roadways are designed to comply with County Highway and Traffic Standard, Index 401.8 (Local Urban Residential), including 50 feet of right-of-way, 24 feet pavement width, and two 12 feet wide travel lanes. The Preliminary Site Plan denotes proposed internal roadways to be dedicated to the public.

COMPLIANCE WITH THE LAND DEVELOPMENT CODE

LDC SECTION 322.2 – PRELIMINARY SITE PLAN REVIEW CRITERIA

LDC SECTION 342 – AMENDMENTS TO OFFICIAL ZONING ATLAS

LDC SECTION 402.6 - GENERAL DESIGN REQUIREMENTS FOR ALL PLANNED DEVELOPMENT SITE PLANS

LDC SECTION 402.7 - PLANNED DEVELOPMENT RESIDENTIAL

The following represents an analysis of how the application achieves compliance with LDC Sections 322.2, 342, 402.6, and 402.7. The criteria listed below were used to evaluate each specific request for rezoning to ensure compliance with the Comprehensive Plan and to establish stipulations to be adopted for Planned Development districts.

LDC SECTION 322.2 – PRELIMINARY SITE PLAN REVIEW CRITERIA

A. Previous Approvals.
Analysis: The subject property was part of a County initiated zoning conformance that classified the land as A-1 (Agricultural Suburban).

B. Comprehensive Plan.
Analysis: The proposed residential project is consistent with the Manatee County Comprehensive Plan. The submitted PSP illustrates a gross density of 4.2 dwelling units per acre within the RES-3 Future Land Use Category where affordable housing projects are permitted up to 6 dwelling units per acre for maximum gross density. The proposed use and site design are compatible with the existing and trending land development patterns in the area.

C. Land Development Code.
Analysis: The proposed residential project is in accordance with the requirements and provisions provided by the Land Development Code. The project has exercised the use of a Specific Approval request to eliminate the required 20-foot southern property line perimeter buffer adjacent to Stormwater Pond 1 (refer to PSP). There will be no perimeter buffer at this location due to the County requiring a 20-foot easement for a maintenance berm along the Big Chimney drainage ditch. No landscaping can be placed in the easement; however, the stormwater pond provides adequate separation distance between the adjacent property to the south and the proposed residential lots to the north.

Staff supports additional Specific Approval requests to allow a 10-foot buffer instead of the required 20-foot buffer along 21st Street Court East. These requests are due to the preserved right-of-way for this segment of the roadway regarding a future widening. The 10-foot buffer will contain the landscape material required by the Land Development Code. This buffer, in conjunction with stormwater pond 2, adequately buffers the lots within the proposed project from the roadway. These Specific Approval requests are from LDC Section 701.B.2 (Roadway Buffers) and LDC Section 402.7.D.1 (Site Planning for Planned Development Residential zoning districts).

The Land Development Code requires a 20-foot roadway buffer along 24th Avenue East. This deviation is within the code requirements for affordable housing projects. Section 365.3 of the Land Development Code allows Affordable housing projects to deviate up to 30% of the numerical Code requirement. The 15-foot roadway buffer provided is a 25% deviation from the required 20-foot buffer and will contain the landscape material required by the Land Development Code.

D. Use and District Requirements.
Analysis: The proposed residential project is a permitted use in the Planned Development Residential zoning district. As previously mentioned in the Land Development Code section of this report, there are Specific Approvals requested to deviate from Land Development Code requirements, specifically buffers required by the Planned Development Residential zoning district. The overall design for this affordable housing project, together with interneighborhood ties that provides pedestrians and vehicles increased connectivity with adjacent developments meet the intent of the PDR zoning district.

E. Environment.
Please see the analysis provided in the environmental section of this report.

F. Circulation.
Analysis: The proposed residential project provides increased vehicular connectivity by connecting the proposed internal roadway to the existing 23rd Street East at the project's western perimeter boundary. The development will provide internal roadways that will direct traffic flow onto 21st Street Court East, 24th Avenue East and 23rd Street East.

G. Concurrency.
Analysis: The Applicant is seeking a rezoning with a Preliminary Site Plan (PSP) approval and has requested a Deferral and Acknowledgment of Eventual Requirement for Concurrency, and thus, cannot obtain approval of any concurrency component until the Final Site Plan (FSP) review stage of the project. The applicant did provide a Traffic Impact Statement (TIS) for the rezone to gauge the maximum impacts associated with allowable uses. Based on the study, it appears the potentially impacted segments of 21st Street Court East and 24th Avenue East will have sufficient capacity for the proposed project traffic. When a future application includes a request for transportation concurrency approval, the applicant shall submit a traffic study to determine if any off-site improvements are required to mitigate project impacts.

LDC SECTION 342.3 – REVIEW CRITERIA FOR ZONING MAP AMENDMENTS

A. Compatibility with the Existing Development Pattern and the Zoning of Nearby Properties.
Analysis: The proposed residential project is compatible with surrounding development and continues the development pattern trends of predominantly residential uses. The area has been moving away from low density and agricultural development as roadway capacity and infrastructure become more available.

B. Changes in Land Use or Conditions Upon Which the Original Zoning Designation was Based.
Analysis: As evident in the development of residential uses adjacent to the project's west boundary, North Orange Estates anticipated future growth occurring on the subject property by leaving a stub for connection to 23rd Street East. The proposed residential project is a continuation of the development pattern for residential development along 21st Street Court East and 24th Avenue East. The rezoning of this property provides opportunity for affordable housing and the efficient use of existing facilities available to the development.

C. Consistency with the Current Comprehensive Plan.
Analysis: In the opinion of staff, the proposed residential project is consistent with the Manatee County Comprehensive Plan. The submitted PSP illustrates a gross density of 4.2 dwelling units per acre within the RES-3 Future Land Use Category where affordable housing projects are permitted up to 6 dwelling units per acre for maximum gross density. The proposed use and site design are compatible with the existing and trending land development patterns in the area.

D. Conflicts with Existing or Planned Public Improvements.
Analysis: There are no known conflicts with existing or planned public improvements.

E. Available Public Facilities.

1. **Impact on the Traffic Characteristics – Specifically Trip Generation Potential.**
   Analysis: The applicant filed a deferral and acknowledgment of eventual requirements for concurrency. A traffic impact summary was prepared for this project; however, a traffic study will be required at the Preliminary Plat / Final Site Plan submittal.

2. **Impact on Population Density or Development Intensity Demand for Schools, Sewers, Streets, Recreational Areas and Facilities and Other Public Facilities.**
   Analysis: In the opinion of staff, the proposed residential project is an affordable housing project that will increase the pedestrian connectivity for elementary school students as it is located within the 2-mile walking radius of Tillman Elementary and the zoned Blackburn Elementary Schools. If approved, the development could increase the number of students within the school district by 23. According to the School Report, school capacity is available or will be available within the School Service Area (SSA) or contiguous SSA (Refer to Attachment 6 of this report)

3. **Impact on Public Facilities Planned and Funded to Support Any Change in Density or Intensity.**
   Analysis: The Applicant is required to pay their proportionate fair share toward the costs of public improvements necessary to mitigate their impacts.

F. Health, Safety or Welfare of the Neighborhood and County.
Analysis: In the opinion of staff, the rezoning is not anticipated to have a negative effect on the health, safety, or welfare of the neighborhood or county. The project will provide affordable housing to the community.

G. Conformance with All Applicable Requirements of this Code.
Analysis: The rezoning is in conformance with the requirements of the land development code. PDR is an implementing zoning district in the RES-3 future land use category.

H. Consistency with the Development Patterns in the Area.
Analysis: The development in the area is a mixture of large lots zoned agriculturally with single family residential uses. The trending development pattern illustrates a denser single family residential use occurring as the area is transitioning away from agricultural zoning and toward residential zoning. It is staff's opinion that the request is therefore consistent with trending development patterns of the area.

I. Logical Expansion of Adjacent Zoning Districts.
Analysis: The proposed residential development will continue the residential development pattern that currently exist to the west with a single-family residential use.

J. Impact on Historic Resources.
Analysis: There are no known impacts on historic resources; further analysis is required and will be done at subsequent site planning stages.

K. Environmental Impacts.
Analysis: The environmental features of the site will be evaluated at subsequent site planning stages. The site plan must conform to land development code regulations regarding wetlands, landscaping, buffers, tree replacement, etc.

L. Types of Allowable Uses and Impact of those on Surrounding Residential Areas.
Analysis: Agricultural and residential uses are allowed to the north and west of the subject property respectively. South of 21st Street Court East is land zoned LM (Light Manufacturing) where the purpose is to provide areas for light manufacturing, processing, or assembling uses, intensive commercial uses and other light industrial uses that are appropriate. This area is within the IL (Light Industrial) Future Land Use Category south of 21st Street Court East.

M. Relocation of Mobile Homeowners.
Analysis: There are no mobile home parks within the subject property.

N. Consistency with the Planned Development District Standards.
Analysis: The proposed project is consistent with planned development district standards. Please see the analysis that follows.

O. Any Other Matters Which May Be Appropriate.
Analysis: There are no other matters to consider.

LDC SECTION 402.6 – GENERAL REQUIREMENTS FOR ALL PLANNED DEVELOPMENT SITE PLANS

A. Physical Characteristics of the Site; Relation to Surrounding Property.
Analysis: The development in the area is a mixture of large lots zoned agriculturally with single family residential uses. The trending development pattern illustrates a denser single family residential use occurring as the area is transitioning away from agricultural zoning and toward residential zoning. The request is therefore consistent with trending development patterns of the area.

B. Relation to Public Utilities, Facilities and Services.
Analysis: Water and sewer is currently available and concurrency reports there is adequate capacity for roadways.

C. Relation to Major Transportation Facilities.
Analysis: Transportation review reports that the potentially impacted segments of 21st Street Court East and 24th Avenue East will have sufficient capacity for the proposed project traffic. In the event a future application includes a request for transportation concurrency approval, the applicant shall submit a traffic study to determine if any off-site improvements are required to mitigate project impacts.

D. Compatibility.
Analysis: The proposed residential project is consistent with the Manatee County Comprehensive Plan. The submitted PSP illustrates a gross density of 4.2 dwelling units per acre within the RES-3 Future Land Use Category where affordable housing projects are permitted up to 6 dwelling units per acre for maximum gross density. The proposed use and site design are compatible with the existing and trending land development patterns in the area.

E. Transitions.
Analysis: The proposed project serves as a transition of land use occurring from the west into areas that are moving away from low density residential and agricultural uses.

F. Design Quality.
Analysis: The design of the project promotes increased connectivity for vehicles and pedestrians. The subject property continues the pedestrian network of sidewalks by providing sidewalks along both sides of the internal roadway that will connect to the road frontage of 21st Street Court East where a sidewalk will be provided. The internal sidewalks will also connect to the sidewalk network along 24th Avenue East. This continuation of sidewalks from 23rd Street East will provide students a walkable alternative route to school locations. The construction of these sidewalks will provide an opportunity for future off-site sidewalk construction to connect to this project and its sidewalks. There are no external sidewalks constructed adjacent to this site. This project will provide sidewalks for future projects to extend the sidewalk network. The project will also increase connectivity for vehicles by connecting the internal roadway to the North Orange Estates subdivision and 23rd Street East. As can be seen on the proposed PSP, the strategic location of stormwater ponds helps buffer the proposed development from adjacent property including the implementation of code required perimeter buffers and landscaping materials.

The design of the project is providing required buffers along the north and west perimeter boundaries. The east boundary along 24th Avenue East will be reduced from the required 20 feet to 15 feet where the required landscape materials will be provided. Adjacent to the south side of stormwater pond 1 is an interior south boundary abutting land zoned A-1. The project will not provide a perimeter buffer along this boundary due to site constraints; however, existing vegetation and a berm will be provided instead. There will be a 10-foot roadway buffer provided along 21st Street Court East, a 10-foot reduction from the required 20-foot buffer. This buffer will provide the required landscape materials to screen and buffer the roadway in conjunction with the stormwater pond 2 (Refer to PSP).

G. Relationship to Adjacent Property.
Analysis: The adjacent property to the north project boundary is zoned A-1. Along this boundary is a 15-foot perimeter greenbelt buffer and a 5-foot utility easement. Lots within the proposed project along this boundary will also provide a required minimum rear yard building setback of 15 feet providing increased separation in addition to the buffers and easements. West of the subject property is a single-family residential development with detached dwellings that was platted in 2000. This development is of similar density as the proposed project and extends its roadway network through the proposed development. South of the subject property across 21st Street Court East is the edge of IL Future Land Use Category where the land is zoned LM. While this FLUC and zoning allow for the potential of increased intensity and wider range of uses, the land has not been developed to its full potential. This area is separated from the subject property by 21st Street Court East. The subject property is separated from land to the east by 24th Avenue East. The land to the east is zoned A-1 with a development pattern of predominantly large lot single-family residential uses.

H. Access.

Analysis: The proposed project will take access from 24th Avenue East and 21st Street Court East. There is a connection to 23rd Street East that will provide access to Canal Road, also known as 16th Avenue East.

I. Streets, Drives, Parking and Service Areas.

Analysis: The site is located within the northwest quadrant of 24th Avenue East and 21st Street Court East. In the Future Traffic Circulation Plan, 24th Avenue East is an existing two-lane road with 30 mph posted speed and is designated as a two-lane collector roadway with a planned right-of-way width of 50 feet. 21st Street Court East is an existing two-lane road with 30 mph posted speed and is designated as a two-lane collector roadway with a planned right-of-way width of 84 feet. No structures or parking, landscaping, or retention required facilities by this Code shall be located within the land needed to accommodate the full width of the right-of-way needed for such roadway as shown on the Future Traffic Circulation Map, including without limitation land reserved or dedicated pursuant to this section.

All proposed internal roadways are designed to comply with County Highway and Traffic Standard, Index 401.8 (Local Urban Residential), including 50 feet of right-of-way, 24 feet pavement width, and two 12 feet wide travel lanes. The preliminary Site Plan denotes proposed internal roadways to be dedicated to the public.

J. Pedestrian Systems.

Analysis: The subject property continues the pedestrian network of sidewalks by providing sidewalks along both sides of the internal roadway that will connect to the road frontage of 21st Street Court East where a sidewalk will be provided. The internal sidewalks will also connect to the sidewalk network along 24th Avenue East. The construction of these sidewalks will provide an opportunity for future off-site sidewalk construction to connect to this project and its sidewalks. There are no external sidewalks constructed adjacent to this site. This project will provide sidewalks for future projects to extend the sidewalk network.

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

Analysis: According to the applicant, at this time, there are no known historic or archeological sites on the subject property.

L. Density/Intensity.

Analysis: The proposed development, with density bonus, seeks a gross density of 4.2 dwelling units per acre. This density is commensurate to the neighboring property and well below the maximum gross density of 6 dwelling units per acre allowed for affordable housing at this location.

M. Height.

Analysis: The maximum height proposed for the project is 3 stories, not to exceed 35 feet.

N. Fences and Screening.

Analysis: The project will provide screening in accordance with Figure 7-3 of the LDC at the time a Final Site Plan is submitted for the project.

O. Yards and Setbacks.

Analysis:

Minimum Front: 23 Feet (25 Feet from sidewalk)

Minimum Side: 5 Feet

Minimum Rear: 15 Feet

Minimum Waterfront: 30 Feet

(If corner lot)

Minimum Front: 23 Feet (25 Feet from sidewalk – both)

P. Trash and Utility Plant Screens.

Analysis: There are no dumpster enclosures proposed for this project. Solid waste, recycling, and yard waste will be curbside. The lift station as shown on the proposed PSP will be reviewed for screening at such time a Final Site Plan is submitted.

Q. Signs.
Analysis: Signs, if any, will be subject to the requirements of Chapter 6 in the Land Development Code at such time a Final Site Plan is submitted. No sign information was submitted, reviewed, nor approved as part of this review.

R. Landscaping.
Analysis: A landscaping plan was submitted with the PSP for review. All landscaping will be in accordance with the landscaping plan, the stipulations provided herein and Chapter 7 of the Land Development Code.

S. Special Guidelines for Review of Projects with Mixed Used Plan Designations and Projects at Designated Entranceways.
Analysis: Not Applicable.

T. Environmental Factors.
Water Conservation.
Analysis: No information for water conservation was submitted with this PSP application.

Minimum Open Space Requirements.
Analysis: The minimum open space requirements for the subject property is 25%. The proposed project will provide 41.1% open space. See PSP for details.

Preservation of Existing Plant Communities.
Analysis: No information for conservation of plant communities was submitted with this PSP application.

U. Rights-of-Way and Utility Standards.
Analysis: 24th Avenue East is designated as a two lane collector roadway with a planned right-of-way width of 50 feet. The site plan indicates an existing 20 foot half width and a 5 foot future right-of-way setback, consistent with the Comprehensive Plan. 21st Street Court East is designated as a two lane collector roadway with a planned right-of-way width of 84 feet. The site plan indicates an existing 17 foot half width and a 25 foot future right-of-way setback, consistent with the Comprehensive Plan.

The need for additional right-of-way dedication to accommodate any required improvements will be determined with the review of the traffic impact analysis and safety and operations review. Once those reviews are completed and required improvements determined, any additional right-of-way dedication shall be shown. If no improvements are required or required improvements can be constructed within the additional right-of-way, a future right-of-way setback consistent with the Comprehensive Plan's Future Traffic Circulation Map will be required.

V. Stormwater Management.
Analysis: The project site is located entirely within the Big Chimney Drain Watershed. The drainage system flows through the eastern portion of the project. Drainage runoff is this system drains from the north, then turns southeastward, then eastward towards 24th Avenue East. Onsite drainage runoff drains towards Big Chimney Drain alongside the drainage system.

The proposed stormwater system will consist of wet and dry detention ponds to provide water quality treatment and attenuation of runoff from the proposed streets and residential lots. The proposed stormwater management system will be required to comply with 50% reduction in allowable pre-development rate of runoff for Big Chimney Drain.

The project area is partially located within FEMA 2014 FIRM 100-year floodplain (Zone "A"). The applicant shall establish the Base Flood Elevation for areas within Zone "A" at time of Final Site Plan/Construction Plan submittals. The project area is partially located within the County 25-year floodplain. This project will be required to mitigate for impacts (fill) within the 25- and 100-year floodplain through creation of an equal or greater storage volume above seasonal high water table. 25-year and 100-year floodplain compensation shall be compensated in sole use compensation areas, not dual-use stormwater facilities

The proposed stormwater system will be required to comply with stormwater conditions (C.1 though C.5) included within the staff report.

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

W. Consistency with Comprehensive Plan.
Analysis: In the opinion of staff, the proposed residential project is consistent with the Manatee County Comprehensive Plan. The submitted PSP illustrates a gross density of 4.2 dwelling units per acre within the RES-3 Future Land Use Category where affordable housing projects are permitted up to 6 dwelling units per acre for maximum gross density. The proposed use and site design are compatible with the existing and trending land development patterns in the area.

X. Other Factors.
Analysis: There are no other factors for consideration.

LDC SECTION 402.7.D. – PDR – PLANNED DEVELOPMENT RESIDENTIAL

A. Site Planning.
Analysis: The design of the project promotes increased connectivity for vehicles and pedestrians. The subject property continues the pedestrian network of sidewalks by providing sidewalks along both sides of the internal roadway that will connect to the road frontage of 21st Street Court East where a sidewalk will be provided. The internal sidewalks will also connect to the sidewalk network along 24th Avenue East. This continuation of sidewalks from 23rd Street East will provide students a walkable alternative to school locations. The construction of these sidewalks will provide an opportunity for future off-site sidewalk construction to connect to this project and its sidewalks. There are no external sidewalks constructed adjacent to this site. This project will provide sidewalks for future projects to extend the sidewalk network. The project will also increase connectivity for vehicles by connecting the internal roadway to the North Orange Estates subdivision via 23rd Street East to 16th Avenue East (Canal Road). As can be seen on the proposed PSP, the strategic location of stormwater ponds helps buffer the proposed development from adjacent property including the implementation of code required perimeter buffers and landscaping materials.

B. Landscaped Open Space and Pervious Area Requirements.
Analysis: Minimum open space requirement for the project is 25% of 23.97 acres (5.99 acres). The proposed PSP provides 41.1% (9.84 acres). The landscaping will be in accordance with the landscaping plan submitted with the PSP, stipulations provided herein and Chapter 7 of the Land Development Code.

C. Frontage and Accessibility.
Analysis: The project has approximately 695 feet of road frontage on 21st Street Court East and approximately 500 feet of road frontage on 24th Avenue East. The project will take one access point from each of these roadways.

D. Neighborhoods.
Analysis: Please refer to the data provided in the nearby development for residential uses section of this report.

E. Greenbelts.
Analysis: Please refer to the buffer data provided in the code compliance section of this report.

F. Traffic Circulation.
Analysis: The proposed residential project provides increased vehicular connectivity to 16th Avenue East (Canal Road) by connecting the internal roadway to the existing 23rd Street East at the project's western perimeter boundary. The development proposes an internal roadway that will provide access to 21st Street Court East and 24th Avenue East.

G. Yards and Setbacks.

Analysis:

Minimum Front: 23 Feet (25 Feet from sidewalk)

Minimum Side: 5 Feet

Minimum Rear: 15 Feet

Minimum Waterfront: 30 Feet

(If corner lot)

Minimum Front: 23 Feet (25 Feet from sidewalk – both)

Setbacks provided above are permitted according to PDR zoning development standards and provides adequate separation between proposed structures and undeveloped adjacent uses in conjunction with perimeter boundary buffers that are required. This combination of separation treatments at the project boundary sufficiently addresses any compatibility concerns.

H. Minimum Lot Width.

Analysis: The minimum lot width as shown on the PSP is 36 feet.

I. Building Height.

Analysis: 3 stories (Not to exceed 35 feet)

COMPLIANCE WITH COMPREHENSIVE PLAN

The site is in the **Residential-3** Future Land Use Category. This project was specifically reviewed for compliance with the following objectives and policies:

Policy 2.1.1.4. Promote development in currently undeveloped areas which have the greatest level of public facility availability and investment.
Analysis: As noted within this report, there is adequate availability for public facilities for the subject property which accommodates the request for affordable housing such as water, sewer, schools, emergency services.

Policy 2.1.1.6 Encourage growth and redevelopment to concentrate within the Urban Service Area.
Analysis: The subject property is within the Urban Service Area and extends the existing development pattern of residential uses from the west to east. This project proposes an affordable housing project that provides an opportunity to increase both vehicular and pedestrian connectivity to the roadway and sidewalk networks.

Policy 2.1.2.2 Limit urban sprawl by prohibiting all future development in the area east of the established Future Development Area Boundary (FDAB).
Analysis: This site is an infill project that is not east of the established FDAB line.

Policy 2.1.2.4. Limit urban sprawl through consideration of new and redevelopment when deemed compatible with existing and future development, in areas which are internal to, or are contiguous expansions of the built environment.
Analysis: The adjacent property to the north project boundary is zoned A-1. Along this boundary is a 15-foot perimeter greenbelt buffer and a 5-foot utility easement. Lots within the proposed project along this boundary will also provide a 15-foot rear yard setback providing increased separation in addition to the buffers and easements. West of the subject property is a single-family residential development with detached dwellings that was platted in 2000. This development is of similar density as the proposed project and extends its roadway networking through the proposed development. South of the subject property across 21st Street Court East is the edge of IL Future Land Use Category where property is zoned LM. While this FLUC and zoning allow for the potential of intensity and wide range of uses, the land has not been developed to its full potential.

Policy 2.2.1.10.1. 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 for a moderate-density suburban, or a clustered low density urban, residential environment. Also, to provide a complement of residential support uses normally utilized during the daily activities of residents of these moderate density suburban, or low density urban areas.
Analysis: The proposed project is in accordance with the intent of the Res-3 Future Land Use Category by providing a moderate density of affordable housing in an area where the development pattern is trending to moderate residential development.

Policy 2.2.1.10.3. Range of Potential Density/Intensity:
Analysis: The Res-3 FLUC has a range of density up to a maximum of 3 dwelling units per acres (gross) and a net density maximum of 6 dwelling units per acre. Affordable housing projects are permitted a maximum gross density of 6 dwelling units per acre. The proposed project is consistent with this density range.

Policy 2.1.2.7. Review all proposed development for compatibility and appropriate timing of development.
Analysis: The timing is appropriate for the proposed development in that there are adequate public facilities available to accommodate the proposed affordable housing project. There are existing facilities in place that will allow the proposed project to increase connectivity for pedestrians and vehicles. The proposed project is suitable for development at this time for purposes of providing alternative and supplemental housing options for the community.

Objective 2.6.1 Compatibility through Screening, Buffering, Setbacks, and Other Mitigative Measures.
Analysis: The proposed residential project is in accordance with the requirements and provisions provided by the Land Development Code. The project has exercised the use of a Specific Approval request to reduce the required 20-foot southern property line perimeter buffer adjacent to Stormwater Pond 1 (refer to PSP). There will be no perimeter buffer at this location due to the County requiring a 20-foot easement for a maintenance berm along the

Big Chimney drainage ditch. No landscaping can be placed in the easement; however, the stormwater pond provides adequate separation distance between the adjacent property to the south and the proposed residential lots to the north.

Staff supports the additional Specific Approval requests to allow a 10-foot buffer instead of the required 20-foot buffer along 21st Street Court East. This request is due to the preserved right-of-way for this segment of the roadway regarding a future widening. The 10-foot buffer will contain the landscape material required by the Land Development Code. This buffer, in conjunction with stormwater pond 2, adequately buffers the lots within the proposed project from the roadway. These requests for Specific Approval are from LDC Section 701.B.2 (Roadway Buffers) and LDC Section 402.7.D.1 (Site Planning for PDR zoning districts)

The Land Development Code requires a 20-foot roadway buffer along 24th Avenue East. The applicant has requested to deviate from this requirement per LDC Section 365.3 in order to provide a 15-foot roadway buffer instead. This deviation is within the code requirements for affordable housing projects. Section 365.3 of the Land Development Code allows Affordable housing projects to deviate up to 30% of the numerical Code requirement. The 15-foot roadway buffer provided is a 25% deviation from the required 20-foot buffer and will contain the landscape material required by the Land Development Code.

TRANSPORTATION

Major Transportation Facilities

The site is located in the northwest quadrant of 24th Avenue East and 21st Street Court East. In the Future Traffic Circulation Plan, 24th Avenue East is an existing two-lane road with 30 mph posted speed and is designated as a two-lane collector roadway with a planned right-of-way width of 50 feet. 21st Street Court East is an existing two-lane road with 30 mph posted speed and is designated as a two-lane collector roadway with a planned right-of-way width of 84 feet.

Transportation Concurrency

The Applicant is seeking a rezoning with a Preliminary Site Plan (PSP) approval and has requested a Deferral and Acknowledgment of Eventual Requirement for Concurrency, and thus, cannot obtain approval of any concurrency component until the Final Site Plan (FSP) review stage of the project. The applicant did provide a Traffic Impact Statement (TIS) for the rezone to gauge the maximum impacts associated with allowable uses. Based on the study, it appears the potentially impacted segments of 21st Street Court East and 24th Avenue East will have sufficient capacity for the proposed project traffic (see Certificate of Level of Service Compliance table below). When a future application includes a request for transportation concurrency approval, the applicant shall submit a traffic study to determine if any off-site improvements are required to mitigate project impacts.

Access

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

CERTIFICATE OF LEVEL OF SERVICE (CLOS) COMPLIANCE TRANSPORTATION CONCURRENCY

CLOS APPLIED FOR: No (A Deferral and Acknowledgment of Eventual Requirement for Concurrency has been filed)

TRAFFIC STUDY REQUIRED: Yes (A traffic impact summary was prepared; however, a traffic study will be required at PSP/FSP)

NEAREST THOROUGHFARE	LINK(S)	ADOPTED LOS	FUTURE LOS (W/PROJECT)
24th Avenue East	1308	D	D
21st Street East/21st Street Court East	1302	D	D

OTHER CONCURRENCY COMPONENTS

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

SPECIFIC APPROVALS – ANALYSES, RECOMMENDATIONS, FINDINGS

Specific Approval Request 1:

LDC Section 701.4.B.4.i requires a 15 foot Greenbelt Buffer for all residential projects, with a minimum of one (1) canopy tree planted every thirty (30) feet on center for the length of the perimeter of the project. The request is to eliminate this requirement along the southern edge of Pond 1 and adjacent to the Big Chimney Drainage Ditch. The County is requiring a 20-foot maintenance berm along the Big Chimney Drainage Ditch and no landscaping can be located within the easement. The Big Chimney Drainage Ditch is being expanded in this location and there are existing trees along the south side of the ditch that are to remain.

Staff Analysis and Recommendation:

Staff is in support of the request for the Specific Approval to eliminate the 15-foot Greenbelt Buffer along the southern edge of Pond 1, adjacent to the Big Chimney Drainage Ditch. This stormwater pond in conjunction with the existing vegetation that is to remain along the south side of the pond provides a measure of screening the proposed lots to the north from the A-1 zoned property to the south. Due to the size of the pond and its strategic location, there is adequate separation distance between the residential lots and the adjacent property to the south.

Finding for Specific Approval Request 1:

Notwithstanding the failure of this plan to comply with the requirements of LDC Section 701.4.B.4, the Board finds that the purpose of the LDC regulation is satisfied to an equivalent degree because Pond 1, the preservation of existing trees and the proposed open space will provide adequate screening to the adjacent uses.

Specific Approval Request 2 and 3:

LDC Section 402.7.D.1 and LDC Section 701.4.B.2 requires a minimum buffer of twenty (20) feet along district boundaries which abut and run parallel to any public road. The request is to decrease this buffer to ten (10) feet along 21st Street Court East. The submitted site plan illustrates a future widening for expansion of the roadway by providing a 42-foot half right-of-way reservation. The plans include a proposed pond along the southern boundary and the tree and shrub requirement will be met within the ten (10) foot Roadway Buffer.

Staff Analysis and Recommendation:

Staff is in support of the request for Specific Approval Request 2 and 3 for the reduction of the 20-foot buffer along 21st Street Court East to a 10-foot buffer. The required landscape material will be provided within the 10-foot buffer and the pond will provide adequate distance from the roadway to the proposed homes.

Finding for Specific Approval Request 2 and 3:

Notwithstanding the failure of this plan to comply with the requirements of LDC Sections 402.7.D.1 and 701.4.B.2, the Board finds that the purpose for these LDC regulations are satisfied to an equivalent degree by the required plant materials and distance provided by the pond.

Attachments

1. **Staff Report Maps/Aerials**
2. **Preliminary Site Plan**
3. **Landscape Plan**
4. **TIS Acceptance Letter and Traffic Impact Statement**
5. **Environmental Narrative**
6. **School Report**
7. **Specific Approval Request**
8. **Zoning Disclosure Affidavit**
9. **Affordable Housing Designation**
10. **Newspaper Advertising**
11. **Ordinance PDR-19-17(P)**
12. **Public Comments**