DEVELOPMENT REVIEW ANALYSIS

ORINANCE 17-45 (FKA-10-50) AND PDR/PDC-96-03(Z)(G)(R10)–TARA-MANATEE, INC. (DRI #11)/LAKE LINCOLN SETTLEMENT AGREEMENT DEVELOPMENT REVIEW ANALYSIS

REQUEST:

ORDINANCE 17-45 – (FKA-10-50)-TARA MANATEE, INC. (DRI #11)
An Ordinance of Manatee County, Florida, amending and restating a Development Order pursuant to Chapter 380.06, Florida Statutes, Section 70.001, Florida Statutes, Section 26.012, Florida Statutes, and Article V Florida Constitution (1968):

1. Amend Map H to redistribute development as follows:
   A. Add Subphase III-BB to allow for the transfer of up to 19,500 sf commercial entitlements from Subphase III-R, III-Z or III-V to the southwest corner of State Road 70 and Tara Boulevard;

2. Add Exhibit D, an updated table of Permitted Commercial Uses by Parcel;

3. Add Exhibit G, a conceptual “Commercial Site Alternative” depicting one (1) acre of wetland impact;

4. Extend Phase III build-out date to October 14, 2023 per the CLOS;

5. Addition of one access point on SR 70 (subject to FDOT approval) and one access point on Tara Boulevard associated with proposed Subphase III-BB;

6. Allow a maximum (1) one-acre impact to the wetlands within proposed Subphase III-BB with corresponding mitigation; and

7. Update terminology and departmental references, and other changes for internal consistency.

PDR/PDC-96-03(Z)(G)(R10) – TARA-MANATEE, INC, (DRI #11) - DTS20100092

Approval of a revised General Development Plan and Zoning Ordinance to:

1. Rezone 3.32± acres (Proposed Subphase III-BB) from PDR/ WP-E/ST to PDC/ WP-E/ST;

2. Amend GDP to redistribute approved development as follows:
A. Add Subphase III-BB to allow for the transfer of commercial entitlements from Subphase III-R, III-Z, or III-V to the southwest corner of State Road 70 and Tara Boulevard;

3. Add Exhibit G, a conceptual “Commercial Site Alternative” depicting one (1) acre of wetland impact;

4. Extend Phase III build-out date to October 14, 2023 per the CLOS;

5. Addition of one access point on SR 70 (subject to FDOT approval) and one access point on Tara Boulevard associated with proposed Subphase III-BB;

6. Allow a maximum (1) one-acre impact to the wetlands within proposed Subphase III-BB with corresponding mitigation; and

7. Update terminology and departmental references, and other changes for internal consistency.

*The Tara DRI is located at the southwest corner of SR 70 and I-75 Interchange, extending westward to Braden River Road (1,124 ± acres).*
LOCATIONAL INFORMATION, AND LAND USE CHARACTERISTICS

The Tara Development of Regional Impact (DRI) is located at the southwest corner of SR 70 and I-75 Interchange, extending westward to Braden River Road (±1,124.21 acres).

Aerial:
Tara DRI is zoned PDR/PDC/WPE/ST (Planned Development Residential/Planned Development Commercial/Watershed Protection Evers/Special Treatment Overlay)

Location and Zoning Map:
The Tara DRI is within the ROR (Residential/Office/Retail), MU (Mixed Use), and RES-6 (Residential 6 dwelling units per acre) Future Land Use Categories (FLUC).
Tara FLUC Map:
Surrounding Uses and Zoning:

- To the North is Braden River High School zoned A/WP-E/ST (General Agriculture/Watershed Protection-Evers/Special Treatment) with a variety of commercial uses including restaurants, retail, and auto repair located in Creekwood Commercial and Campbell Commercial Subdivisions. These areas are zoned GC (General Commercial) and PDC (Planned Development Commercial). Most of these properties are located within the WP-E/ST (Watershed Protection-Evers/Special Treatment) Overlay.

- To the South are residential uses zoned RSF-6/WP-E/ST, vacant property zoned A-1/WP-E/ST, and the approved River Place single-family detached subdivision zoned PDR (Planned Development Residential)/WP-E/ST.

- To the East is I-75 and across I-75 is the River Club Park of Commerce DRI zoned PDMU (Planned Development Mixed-Use)/WP-E/ST which has approval for commercial, multi-family, group care home, and office uses.

- To the West is vacant property zoned PDC (Planned Development Commercial), single-family residential uses zoned RDD-6, RDD-6/ST, and RDD-6/WP-E/ST, the Evers Reservoir zoned A-1/WP-E/ST and PDR/WP-E/ST, and a boat ramp zoned A-1/WP-E/ST.
General Development Plan for the Tara DRI:
SUMMARY

Within this DRI, approximately 2,074 dwelling units, 263,715 square feet of commercial uses (6,575 square feet of canopy), and 36 holes of golf course are constructed. The project currently has approval for 2,719 dwelling units, 436,500 square feet of commercial and 36 holes of golf.

Lake Lincoln has requested 3.32 ± acres be rezoned from PDR/ WP-E/ST to PDC/ WP-E/ST at the southwest corner of State Road 70 and Tara Boulevard. The site is in the ROR Future Land Use Category. The maximum potential floor area ratio for commercial development in the project, as a whole, and for each commercial subphase, is substantially below the limitation set forth in the ROR and MU Future Land Use Categories.

The Settlement Agreement will allow the developer to create a new Subphase (Subphase III-B) and rezone the subphase from residential to commercial. This will allow the developer to transfer existing approved commercial building entitlements not yet constructed from elsewhere within the Tara DRI to the newly created phase. The land is currently vacant and zoned PDR/ WP-E/ST and includes a portion of an 8.98 ± acre wetland. Lake Lincoln has indicated that approximately one acre of impacts to the existing 8.98 acre wetland will be necessary to develop Phase III-BB.

A Land Use Equivalency Matrix (LUEM) was approved in 2010 for the Tara DRI which allows for the transfer of commercial entitlements between specific phases and parcels within the development. The Land Use Equivalency Matrix will provide Lake Lincoln with limited flexibility to allocate entitlements within the development, according to market demands, while ensuring the impacts associated with the overall development do not exceed the approved development entitlements. This includes approved trip generation based on the latest approved traffic study and substantial deviation thresholds, per state statute (i.e. traffic impacts), and transit, drainage, solid waste, and parks.
Location of Proposed Subphase III-BB on General Development Plan:

HISTORY OF THE TARA DEVELOPMENT:

On November 6, 1980 Tara was rezoned to PUD (R-80-21) along with a Conceptual Site Plan and a Special Exception (SE-80-23) for a commercial complex.

A Development Order to Tara, Ltd., for a 1,137 acre mixed use DRI (approved November 13, 1980) showed 4,040 dwelling units on 1,137 acres; 1,346 units were proposed in
Phase I, and Phases II & III each proposed 1,347 units. One 18 hole golf course was originally proposed. The project was also approved with 312,000 square feet of commercial square footage.

The commercial area included a 54,000 square foot personal service center on the west side of Tara Boulevard (zoned PDR) and a service station and restaurant east of Tara Boulevard, west of the FPL power line (also zoned PDR). The commercial complex also included 245,000 square feet of commercial uses on a 56 acre site (zoned PDC), east of Tara Boulevard. The 245,000 square feet included the following:

- Commercial Activity Center 125,000 sq. ft.
- Commercial Service Plaza 50,000 sq. ft.
- 150 unit Motel* 70,000 sq. ft.
- Total 245,000 sq. ft.

* In 1989, staff deemed the proposed motel to be equivalent to 70,000 square feet of commercial area.

The 67,000 square feet of commercial on the PDR zoned portion of Tara included the following:

- Personal Service Center 54,000 sq. ft.
- Service Station 2,000 sq. ft.
- Restaurant 11,000 sq. ft.
- Total 67,000 sq. ft.

On January 28, 1997, the Board approved changes to the Zoning Ordinance which added a 15.5 acre parcel to the project, but also eliminated land for roadway improvements resulting in an overall decrease of 12.74 acres to the DRI, reduced the number of dwelling units to 2,719, added a golf course, relocated 3,000 square feet from the Personal Service Center to the Subphase III-W, relocated 19,800 square feet from the Personal Service Center to the east side of Tara Boulevard, grant flexibility to relocate either a portion or all commercial square footage from the west side of Tara Boulevard to the east, and added 49,500 square feet of commercial square footage to the Commercial Activity Center, and various other changes.
On September 22, 1998, the Board approved changes to the Zoning Ordinance that relocated 18,800 square feet of commercial square footage from the Personal Service Center to the east side of Tara Boulevard (Subphase III-Y), rezoned 2.3 ± acres (Subphase III-Y) from PDR to PDC to allow up to 18,800 square feet of commercial development, and various other changes.

On May 23, 2000, the Board approved a revision to one condition of the Zoning Ordinance to change the orientation of development on Parcel III-Y.

On August 28, 2001, the Board approved an amendment to the Zoning Ordinance to require annual traffic monitoring starting in the year 2003.

On September 9, 2003, the Board approved an amendment to Condition VI 22 to modify the building elevations submitted and to allow a bank on Parcel III-Y.

On May 25, 2004 the Board approved a revised Zoning Ordinance to allow 4,667 square feet of the approved commercial square footage to be utilized for 10 additional hotel rooms; the authorization to construct either two 80-room hotels or a single 160-room hotel; approve the ability to transfer square footage between non-residential subphases; amend the general development plan to reflect the above changes; and various other changes to the zoning ordinance including terminology, formatting, and clarification changes; to denote stipulations that have been complied with or requirements that have been completed.

On November 30, 2004, the Board approved a revised Zoning Ordinance to move Subphase II-H and II-I into Phase III and rename them III-Z and III-AA, respectively.

On May 9, 2006, the Board approved a revised Zoning Ordinance to add 75,000 square feet of commercial development to the project total and rezone the 8.36 acre office complex on Subphase III-T from PDR to PDC to reflect the correct zoning for the use.

To date, the following has been constructed or platted:

- 719 dwelling units in Phase I, which are complete.
- An 18-hole golf course in Phase I;
- An 18-hole golf course in Phase III
- 260 dwelling units in Subphases II-A, II-B, II-C, II-D, II-E, II-F, & II-J
- 1,095 dwelling units in Phase III
258,850 square feet of commercial (6,575 s.f. of canopy).

**ANALYSIS:**

1. Add Subphase III-BB;
2. Rezone proposed Subphase III-BB (3.32 ± acres) from PDR/WP-E/ST to PDC/WP-E/ST;
3. Allow the transfer of 19,500 square feet of commercial entitlements to Subphase III-BB;
4. Allow for one access point on SR 70 (subject to FDOT approval) and one access point on Tara Boulevard associated with proposed Subphase III-BB;
5. Extend Phase III build-out date to October 14, 2023 per the CLOS; and,
6. Allow an approximate one-acre (1) impact to the wetland within Subphase III-BB with corresponding mitigation.

Analysis:

Lake Lincoln proposes to rezone 3.32 ± acres from PDR/WP-E/ST to PDC/WP-E/ST for the addition of proposed Subphase III-BB, located at the southwest corner of State Road 70 and Tara Boulevard. Commercial entitlements are proposed to be transferred from specific subphases or residential units not yet built within the overall project boundaries. The transfer of intensity is proposed to be accomplished through the use of the Land Use Equivalency matrix. No new entitlements are being sought for the development of this Subphase. Instead, Lake Lincoln proposes to utilize a Land Use Equivalency Matrix to reallocate existing entitlements from Subphase III-R, or III-Z and III-V (east of Tara Blvd.), or available residential units, or a combination thereof, to allow for the development of this Subphase.

The site is consistent with the requirements of the ROR FLUC. Commercial locational criteria listed in the Comprehensive Plan, as well as some Land Use Operative Provisions that address the location of commercial nodes support the use of III-BB for commercial development. Commercial locational criteria means the site is within a specific distance of two major thoroughfares (i.e. Tara Blvd. and State Road 70). In addition, a commercial project within both the ROR and MU FLUC are exempt from meeting Commercial locational of the Comprehensive Plan. However, the site must still be compatible with the surrounding land uses and zoning and consistent with the Manatee County Land Development Code and Comprehensive Plan.
Proposed Subphase III-BB fronts State Road 70 and 6 lane highway and Tara Blvd. a 4 lane thoroughfare. Commercial uses exist to the east of Tara Blvd. and across SR 70 to the north, at both the northeast and northwest corners of Tara Blvd. and SR 70 in Creekwood. Commercial uses extend along this frontage east to I-75 and past to Creekwood Industrial Park and River Club Park of Commerce.

The existing wetland on site of III-BB, even with the 1 acre impact, will provide a buffer to the residential that exists within Tara to the west. The existing residential to the south will be separated and buffered by the wetland and a golf fairway. The site contains, and is adjacent to, an 8.98 acre wetland. Lake Lincoln proposes an approximate 1.0 acre wetland impact. Mitigation of the wetland impact will be provided through a combination of wetland enhancement, mitigation bank credit purchase, and/or upland preservation. The amount of mitigation required for the impacts will be determined with the SWFWMD utilizing the UMAM. It is anticipated that enhancement of the remaining 7.98 acres of wetlands and associated wetland buffer will provide the required minimum wetland mitigation for the proposed impact.

An updated traffic study was not submitted with this application in 2010, however, the Transportation Systems Management Division of the Public Works Department reviewed the application and determined that it was sufficient, knowing that at the time of development for Subphase III-BB, Lake Lincoln will be required to complete a traffic analysis that identifies impacts and offers recommendations for improvements to mitigate the impacts of commercial development. In addition, any access point on SR 70 will require approval by the Florida Department of Transportation.

The need for transportation capacity improvements is considered as a requirement of the County concurrency management system (Section 360, Land Development Code). The concurrency process is a component of ensuring that adopted transportation levels of service are achieved and maintained consistent with applicable County policy and regulations and State statutes. Subphase III-BB is a component of the Tara Development of Regional Impact (DRI). The transportation impacts associated with development of the subject parcel were evaluated with the impacts of the overall DRI.

The document that establishes the terms under which transportation concurrency requirements are met is a Certificate of Level of Service Compliance (CLOS). The Tara DRI’s CLOS is CLOS-01-077 which was initially issued in September 2001, and through amendments to the DRI and authorized extensions, it has an expiration date of October 14th, 2023. The CLOS was most recently revised on September 22, 2017 for Hurricane Matthew. For the Tara DRI, the CLOS relies on the land use schedule and required transportation improvements set forth in the DRI development order conditions. With respect to transportation, the DRI is in compliance with its transportation mitigation and related monitoring requirements. Because development of the subject site is consistent
with the assumptions of the overall DRI and transportation analysis supporting the approved CLOS, staff did not require additional transportation analysis.

Proposed access to the site is generally consistent with the DRI's adopted general development plan. It depicts one access on State Road 70 and one access on Tara Boulevard. The State Road 70 access is subject to Florida Department of Transportation review and approval. County staff will conduct operational and safety review of the Tara Boulevard access at the time of Final Site Plan application. Based on proximity to the State Road 70 intersection and existing conditions, staff recommend the Tara Boulevard access be limited to right-in/right-out only.

The request to extend Phase III build-out date to October 14\textsuperscript{th}, 2023 is consistent with the expiration date of the approved CLOS. The Development Order and Zoning Ordinance will be revised to reflect the most recent extensions.

The commercial uses contemplated for this proposed subphase include uses like a bank, retail sales, professional office, clinic, or restaurant. Lake Lincoln originally requested drive-thru eating establishment and gas stations and agreed to remove both uses from the range of potential uses. See Exhibit D of the Settlement Agreement and attached for the full range of uses proposed.

Subphase III-BB is consistent with the requirements of the ROR FLUC, and meets commercial locational criteria, this site is at a well-defined node. Approved or developed commercial development currently begins at the intersection of Braden Run and State Road 70, going west 2,608 feet to Ranch Lake Boulevard, then 4,043 feet east to the off-ramp of I-75. On the west side of I-75, approved or developed commercial development begins with Subphase III-R of Tara along the on-ramp to I-75 going west 3,681 feet to the intersection of Tara Boulevard and State Road 70. This constitutes 10,332 feet (or approximately 2 miles) of commercial frontage along State Road 70 and the on-ramp to I-75. Adding this project would extend continuous commercial development west to Fairway Gardens, a multi-family residential development in Tara.

The analysis regarding the one-acre impact to the wetland associated with the proposed development of this Subphase is below.

**Analysis of Wetlands:**

**Wetlands Info.**

Overall Wetland Acreage: 8.98 Acres associated with proposed III-BB
Proposed Impact Acreage: 1.0 Acres
Impact

Lake Lincoln proposes to impact up to 1.0 acre of wetlands. The overall wetland is approximately 8.98 acres.

Avoidance

Lake Lincoln requests approval of a new 3.32 acre parcel identified as Parcel III-BB and a rezone from PDR to PDC zoning. When considering the 3.32 acre site, it is the opinion of staff that avoiding the proposed impact would prevent a reasonable use of the of land within Subphase III-BB.

Minimization

Due to the limited amount of upland area within proposed Parcel III-BB, wetland impacts cannot be avoided for development under either PDR or PDC zoning. Lake Lincoln has evaluated various design considerations of the commercial site plan including adjustments/reduction in parking spaces, use of stem wall construction, alternative vehicular access points and alternative locations and methods for stormwater treatment. Lake Lincoln has represented that none of the design scenarios provided a design that would completely avoid wetland impacts. It is the opinion of staff that should the proposed Parcel III-BB be created, the wetland impacts have been minimized to the greatest extent feasible while still meeting LDC requirements for improvements such as parking, stormwater treatment, screening, etc.

Mitigation

A combination of wetland enhancement, mitigation bank credit purchase, and/or upland preservation are compensation options proposed as mitigation for the proposed wetland impacts. The amount of mitigation required for the proposed wetland impacts will be determined with SWFWMD utilizing the Uniform Mitigation Assessment Method (UMAM). It is anticipated that enhancement of the remaining 7.98 acres of wetlands and associated wetland buffer and the preservation will provide adequate buffer to the multifamily homes to the west.

Recommendation

The proposed wetland impact would allow a reasonable use of the land within the boundaries of the Subphase III-BB parcel. The wetlands will be minimized to the greatest extent possible and appropriate compensation will be provided.
DETAILED REVIEW OF THE FACTORS FOR CONSIDERATION OF REZONING PURSUANT TO SECTION 342.3 AND 900.5 OF THE LAND DEVELOPMENT CODE FOR THE CREATION OF NEW SUBPHASE III-BB AND REZONE TO PDC

Physical Characteristics Proposed Phase III-BB (3.32 ± acres) is proposed to be located at the southwest corner of SR 70 and Tara Boulevard. This area currently has no approved use on the approved GDP. A site plan has not been submitted for review, but the proposed subphase is shown on the revised GDP. Lake Lincoln has indicated that site development can be accomplished without hazard to person or property on or off the site. Lake Lincoln has also indicated that in order to accommodate the addition of this subphase, approximately one acre of the existing wetland will be impacted. This subphase will be located on existing open space and wetland/wetland buffer area. Tara’s drainage is controlled through an existing and functioning stormwater system, and groundwater conditions are subject to annual monitoring.

Public Utilities, Facilities and Services This site is located at the southwest corner of State Road 70 and Tara Boulevard. Lake Lincoln proposes two access points for this proposed subphase, one on State Road 70 and one on Tara Boulevard. Access will be subject to FDOT and County Public Works Department review. The State Road 70 access point will be subject to FDOT permitting requirements, while the Tara Boulevard access will be right in/right out only. The site is served by EMS, Fire, and Law Enforcement for Manatee County. It is expected that these services, along with school and other services, will be available for the project at the time of request for Level of Service.

With regard to utilities, an existing 6” potable water main is stubbed-out to the property, a 20” potable water main is along the opposite side of Tara Boulevard, and a 36” potable water main is along the opposite side of SR 70. There is sanitary gravity sewer to the east on 55th Avenue East and an 8” sanitary force main on the opposite side of SR 70 at the Creekwood Boulevard intersection. At the time of development, Lake Lincoln will be required to demonstrate adequate capacity exists within these existing systems in order to connect.

Major Transportation Facilities The site has direct access to State Road 70 and Tara Boulevard. State Road 70 is a six lane arterial currently operating at Level of Service C from Caruso Road to Tara Boulevard and Level of Service F from Tara Boulevard to I-75. Tara Boulevard is a two lane collector roadway from Linger Lodge Road to Tara Preserve Lane and a four lane collector from Tara Preserve Lane to State Road 70. All segments of Tara Boulevard currently operate at Level of Service C. Traffic monitoring is conducted biennially to ensure compliance with the transportation mitigation requirements.

Compatibility The site is located at the southwest corner of State Road 70 and Tara Boulevard in the Tara Development of Regional Impact. This parcel is currently zoned PDR/WP-E/ST and located in the Entranceway.
PDC zoning may be found to be compatible with surrounding land uses and zoning. Two residential neighborhoods in Tara Phase 1 exist to the south and west of this property and are separated by the existing wetland and the golf course. There is, however, significant commercial development along State Road 70. Areas to the west on the north side of State Road 70 are zoned A, GC and PDC. Areas to the east are zoned PDC and are characterized by commercial uses such as retail, service, office, and restaurants.

Parcel III-S, to the south of the wetland will remain vacant, and Parcel III-T, south of Stone River Road and west of Tara Boulevard is developed with an 8,000 square foot office use and was subsequently rezoned to PDC in 2006.

This site is consistent with the requirements of the ROR FLUC, and meets commercial locational criteria; this parcel is the only open space within Tara along State Road 70 and the existing wetland will serve as a buffer between the existing commercial development to the east and the multi-family residential component of Tara, Fairway Gardens. Approved or developed commercial development currently begins at the intersection of Braden Run and State Road 70, going west 2,608 feet to Ranch Lake Boulevard, then 4,043 feet east to the off-ramp of I-75. On the west side of I-75, approved or developed commercial development begins with Subphase III-R of Tara along the on-ramp to I-75 going west 3,681 feet to the intersection of Tara Boulevard and State Road 70. This constitutes 10,332 feet or approximately 2 continuous miles of commercial frontage along State Road 70 and the on-ramp to I-75.

**Transition** Commercial uses at this location may be considered appropriate.

Lake Lincoln has asserted that the nearest residential lot to the south, which is located in Tara Phase I, is approximately 700 feet away. The lot is buffered by open space that includes a golf fairway (approximately 200’), an upland forested buffer (approximately 30’), and the existing wetland (approximately 470’).

The nearest residential lot to the west, located in Tara Fairway Gardens, which is a multi-family condominium development, is approximately 700’ away from the proposed commercial building. The lot is buffered by the existing wetland (approximately 550’) and forested uplands (approximately 150’).

Suitable separation between adjacent land uses is encouraged to minimize adverse impacts to protect the public health, and to provide for strong communities. Techniques like the use of undisturbed or undeveloped and landscaped buffers, use of increased size and opacity of screening, limits on duration/operation of use, limits on density and/or intensity may be used to minimize any adverse impacts between incompatible land uses.

**Design Quality** Residential communities are encouraged to be developed in a manner that contributes to a high quality of life. Strong communities are characterized by their connection,
integration, and compatibility with surrounding land uses, community spaces, protection of the natural environment, connection and integration of pedestrian, bicycle, and vehicular systems, unifying design elements and features, connection to recreation facilities, schools, adjacent neighborhoods, employment opportunities and commercial uses. The elements of a strong community are evident in Tara, because it is a master planned community that contributes to a high quality of life, and high quality design.

Revising the General Development Plan to add Subphase III-BB, although never previously contemplated for this DRI, may be considered acceptable to staff, because the impacts to the wetlands can be mitigated, and traffic impacts can be addressed through site design.

Lake Lincoln has indicated that the quality of the design of this proposed development will be required to comply with the Development Order and Zoning Ordinance associated with this DRI. It will also be required to comply with all applicable Land Development Code requirements.

**Adjacent Property** Two neighborhoods exist to the west and south of this parcel. The lots are approximately 700-feet away from the proposed development site.

Lake Lincoln has indicated that the existing natural buffers surrounding this proposed use and buffers, as required by the Land Development Code should be sufficient to minimize any impact to adjacent properties.

**Access** Access points for Subphase III-BB to State Road 70 and Tara Boulevard will be subject to FDOT and Manatee County Public Works review. The State Road 70 access point will be subject to FDOT permitting requirements, while the Tara Boulevard access will be limited to a right-in/right-out access.

**Streets, Drives, Parking and Service Areas** Project access points are depicted on the GDP and meet or exceed FDOT and LDC requirements. Further details will be provided when a site plan is submitted for Subphase III-BB.

**Pedestrian Systems** Sidewalks will be provided along the property’s frontages for pedestrian access around, and to this site. Details for internal pedestrian ways will be addressed when a Final Site Plan is submitted for Subphase III-BB.

**Natural and Historic Features, Conservation and Preservation Areas.** The site contains a portion of an 8.98 ± acre wetland. Approximately 1.0 acres of this wetland is proposed to be impacted through development of Phase III-BB. The amount of mitigation required for the proposed wetland impacts will be determined with SWFWMD utilizing the UMAM. It is anticipated that enhancement of the remaining 7.98 acres of wetland and associated wetland buffer and the preservation.
There are no other natural or historic features located on the subject property that are required to be protected.

**Density/Intensity** The maximum FAR in the ROR FLUC is 0.35 with Special Approval and compliance shall be determined at time of Final Site Plan.

**Height** The height within the Tara DRI is limited to 35’.

**Fences and Screening** Screening will be provided pursuant to the Development Order, Zoning Ordinance, and Land Development Code at the time of development.

**Yards and Setbacks** Minimum setbacks for commercial development within the DRI have been established as 30’ front, 15’ sides, and 20’ rear. Additionally, there is a requirement for a 30’ wetland buffer and a 15’ wetland buffer setback, as measured from the upland edge of the buffer. Minimum setbacks for residential development vary, depending on the type of development. Please refer to Exhibit E of the Zoning Ordinance for dimensional criteria.

**Trash and Utility Plant Screens** The future dumpster location and screening will meet the requirement of the Land Development Code.

**Signs** Lake Lincoln has indicated that upon development, one project sign will be available to the user of III-BB. It will be required to comply with the Land Development Code, and any applicable requirements of Entranceways.

**Landscaping** All proposed landscaping will meet or exceed the requirements of the LDC.

**Water Conservation** This is a GDP review. Details regarding water conservation will be addressed when a PSP/FSP is submitted for review and approval.

**Utility Standards** This is a GDP review. Details regarding utilities will be addressed when a PSP/FSP is submitted for review and approval. All utility infrastructure will be constructed in accordance with Manatee County and Florida Department of Environmental Protection standards.

**Stormwater Management** This is a GDP review. Details regarding stormwater management will be addressed when a PSP/FSP is submitted for review and approval. Manatee County and State water quality and attenuation guidelines will be met with the final design of the system.

**Open Space** The overall open space acreage at Tara should be considered. That area is approximately 54.5%. The addition of Subphase III-BB (3.32± acres) will constitute an approximate 0.4% reduction in open space, or the overall open space area of the DRI will be approximately 54.1%. This exceeds the minimum open space requirement for the PDC zoning
district, which is 35% for non-residential development and 40% for residential development in the Evers Watershed Overlay District and in the Entranceway.
Compliance with Comprehensive Plan

The site is in the ROR Future Land Use Category. A list of Comprehensive Plan Policies applicable to this request is attached. This project was specifically reviewed for compliance with the following policies:

Policy 2.1.2.7 Appropriate Timing.
The timing of this rezone request is appropriate given development trends in the area. The surrounding area is characterized by residential and commercial development.

Policy 2.2.1.17.1 Intent.
The site is intended for a broad range of residential, commercial, and in certain cases, light industrial uses.

Policy 2.2.1.17.2 Range of Potential Uses.
Retail sales, neighborhood convenience, eating establishment, bank (with a drive-through), or office are in the range of potential uses for commercial development. Residential support uses may include personal service establishments, residential care facilities, daycare facilities, and churches.

Policy 2.6.1.1 Compatibility.
Comprehensive Plan Objective 2.6.1 notes that suitable separation between adjacent land uses needs to be provided to minimize adverse impacts to protect the public health, and to provide for strong communities. Policy 2.6.1.1 encourages techniques like the use of undisturbed or undeveloped and landscaped buffers, use of increased size and opacity of screening, limits on duration/operation of use, limits on density and/or intensity.

Objective 2.9.1 Strong Communities:
Comprehensive Plan Goal 2.9 encourages residential communities that contribute to a high quality of life. Strong communities are characterized by their connection, integration, and compatibility with surrounding land uses, community spaces, protection of the natural environment, connection and integration of pedestrian, bicycle, and vehicular systems, unifying design elements and features, connection to recreation facilities, schools, adjacent neighborhoods, employment opportunities and commercial uses (Comp. Plan Obj. 2.9.1). The elements of a strong community are evident in Tara, because it is a master planned community that contributes to a high quality of life.

Policy 2.10.4.1 Commercial Development Location.
Approved or developed commercial development currently comprises approximately 2 continuous miles of State Road 70 and the on-ramp to I-75 from the intersection of Braden Run and State Road 70 to Tara Boulevard. Approval of this proposed subphase and a rezone to PDC may be
considered consistent with the built commercial development along State Road 70.

Policy 2.6.5.4 Preserve/Protect Open Space.
The overall open space acreage at Tara is approximately 54.5%. The addition of Subphase III-BB (3.32± acres) will constitute an approximate 0.4% reduction in open space, or the overall open space area of the DRI will be approximately 54.1%. This exceeds the minimum open space requirement for the PDC zoning district, which is 35% for non-residential development and 40% for residential development in the Evers Watershed Overlay District and in the Entranceway.

The site to be rezoned does meet commercial locational criteria, however, meeting commercial locational criteria cannot be construed to mean that the site has any entitlement to commercial zoning. The last sentence of Subparagraph states, “…Nothing in this Section shall be interpreted to exempt any commercial use from compliance with all other goals, objectives, and policies, and from compliance with other applicable development regulations.” See discussion on compatibility and transition above for further compliance. This site is consistent with the requirements of the ROR FLUC, and meets commercial locational criteria; this parcel is the only open space within Tara along State Road 70 and the existing wetland will serve as a buffer between the existing commercial development to the east and the multi-family residential component of Tara, Fairway Gardens. Approved or developed commercial development currently begins at the intersection of Braden Run and State Road 70, going west 2,608 feet to Ranch Lake Boulevard, then 4,043 feet east to the off-ramp of I-75. On the west side of I-75, approved or developed commercial development begins with Subphase III-R of Tara along the on-ramp to I-75 going west 3,681 feet to the intersection of Tara Boulevard and State Road 70. This constitutes 10,332 feet or approximately 2 continuous miles of commercial frontage along State Road 70 and the on-ramp to I-75.

ATTACHMENTS:

1. Settlement Agreement