

P.C. 05/08/2014

**PDC-13-42(P) – S.R. 70 @ 30<sup>TH</sup> STREET EAST**  
**DTS # 20130472**

An Ordinance of the Board of County Commissioners of Manatee County, Florida, regarding land development, approving a Preliminary Site Plan for commercial development on approximately 3.54 acres zoned PDC (Planned Development\Commercial) on the southeast corner of S.R. 70 and 30<sup>th</sup> Street East, to develop the parcel with a 6,000 square foot convenience store/market with 9 multi-pump dispensers (18 fueling stations) and a 10,000 square foot dispenser canopy; subject to stipulations as conditions of approval; setting forth findings; providing a legal description; providing for severability, and providing an effective date.

**P.C.: 05/08/2014**

**B.O.C.C.: 06/05/2014**

**RECOMMENDED MOTION:**

Based upon the staff report, evidence presented, comments, and finding the request to be **CONSISTENT** with the Manatee County Comprehensive Plan and the Manatee County Land Development Code, as conditioned herein, I move to recommend **ADOPT** Manatee County Zoning Ordinance No. PDC-13-42(P); and **APPROVAL** of the revised Preliminary Site Plan with Stipulations A.1 - A.5; B.1; C.1; D.1, E.1, and F.1 - F.3; **ADOPT** the Findings for Specific Approval for: 1) an alternative to LDC Section 714.8.7 of the Land Development Code to allow the installation of smaller diameter trees, and 2) an alternative to LDC Section 715.3.3 for Foundation Landscaping; as recommended by staff.

<b>PROJECT SUMMARY</b>	
<b>CASE#</b>	PDC-13-42(P) (DTS # 20130472)
<b>PROJECT NAME</b>	RaceTrac Market
<b>APPLICANT(S):</b>	Reasoner Family Partnership, Ltd. for RaceTrac Petroleum, Inc.
<b>EXISTING ZONING:</b>	PDC (Planned Development, Commercial)
<b>PROPOSED USE(S):</b>	Convenience Store (6,000 sq. ft.) w/9 multi-pump dispensers w/18 fueling stations and a (10,000 sq. ft.) canopy
<b>CASE MANAGER:</b>	Shelley Hamilton
<b>STAFF RECOMMENDATION:</b>	APPROVAL

**DETAILED DISCUSSION**

**Future Land Use**

The site is in the R/O/R (Retail/Office/Residential) Future Land Use Category. The intent of the R/O/R designation is to identify areas which are established and developed with a broad range of commercial, residential and, in certain cases, light industrial uses, and to recognize the continued existence of such areas through the long range planning timeframe. The designation is also to provide for orderly transition from, or redevelopment of, these existing and developed multiple-use areas. The range of potential uses include retail, wholesale or office commercial uses which function in the market place as neighborhood, community, or region-serving. The maximum floor area ratio for properties in the R/O/R designation is 0.35 (1.0 inside the CRA's and UIRA), while the maximum square footage for neighborhood, community, or region-serving uses is 300,000 square feet.

**Zoning**

The site is currently zoned PDC (Planned Development Commercial). The site fronts on S.R. 70 at 30<sup>th</sup> Street East, and currently has access to both roadways. The intersection of the two roadways is signalized. The R/O/R FLUC allows for medium commercial, for up to 30,000 square feet without Special Approval.

**History**

A Preliminary Site Plan [PDC-99-08(P)] was approved on January 25, 2000, to allow a 2,460 square foot retail nursery center, three green houses, and use of the existing historic residence for accessory office and retail sales, subject to stipulations, including:

- The requirement to employ architectural, site and landscaping design elements, including elevations that need to be provided in conjunction with future plan submittals;
- Screening around roof mounted HVAC equipment;

- Limited vehicle access to S.R. 70;
- Cross-access to the parcel to the west (SAMS);
- No outdoor speakers;
- Increased side yard setbacks;
- Increased stormwater outfall; and
- Reduced height of structures

The Final Site Plan was approved for the planned retail nursery on March 24, 2000, however, has since expired due to lack of activity.

**New Request**

This new request is to approve a **new** Preliminary Site Plan to allow:

- A 6,000 square foot convenience/market;
- 9 multi-pump dispensers (with 18 fueling stations); and
- A 10,000 square foot pump dispenser canopy

LDC Section 704.66 regulates the placement of Service Stations and their associated gas pumps. Specifically, this section regulates the location, lot dimensions, setbacks, the storage of flammable liquids and products, and screening. Sufficient distance from any church, playground, playfield, park, hospital, school, public library, theater, auditorium, stadium, public assembly hall or similar facility shall be provided to minimize hazards to pedestrians or vehicles, to minimize congestions, and to protect the attractiveness of the immediate area.

The overall intensity and FAR of the use of the property are being reduced; and the open space is being increased over the minimums identified in the R/O/R Future Land Use of the Comprehensive Plan.

<b>SITE CHARACTERISTICS AND SURROUNDING AREA</b>	
<b>ADDRESS:</b>	3004 53 <sup>rd</sup> Avenue E.; Bradenton, FL
<b>GENERAL LOCATION:</b>	Southeast corner of S.R. 70 and 30 <sup>th</sup> Street East
<b>ACREAGE:</b>	3.54 ± acres
<b>EXISTING USE(S):</b>	Vacant house to be removed
<b>FUTURE LAND USE CATEGORY(S):</b>	R/O/R (Retail, Office, Residential)
<b>FLOOR AREA RATIO (F.A.R.)</b>	Required – 0.35 Provided – 0.10
<b>SPECIAL APPROVAL(S):</b>	None
<b>OVERLAY DISTRICT(S):</b>	None

<b>SPECIFIC APPROVAL(S):</b>	1) Land Development Code Section 714.8.7 2) Land Development Code Section 715.3.3 – Foundation Landscaping	
<b>SURROUNDING USES &amp; ZONING</b>		
<b>NORTH</b>	Across S.R. 70 - Commercial/Mini-Warehouse/Bank – Zoned GC and PDC	
<b>SOUTH</b>	Apartments - zoned PDMU	
<b>EAST</b>	Vacant lands zoned PR-S	
<b>WEST</b>	Across 30 <sup>th</sup> Street - commercial w/gas pumps zoned PDMU	
<b>SITE DESIGN DETAILS</b>		
<b>BUILDING SIZE:</b>	Convenience Store/Market (5,928 sq. ft.) w/9 gas pumps (18 fueling stations) and a (9,853 sq. ft.) canopy	
<b>SETBACKS:</b>	Fronts S.R. 70 30 <sup>th</sup> Street East Side	35 feet 15 feet 15 feet
<b>ACCESS:</b>	Driveway to S.R. 70 and 30 <sup>th</sup> Street East	
<b>FLOOD ZONE(S)</b>	X – FIRM Panel 120153 0344C, revised 7/15/92 (Panel #12081C0309, effective 3/17/14)	
<b>AREA OF KNOWN FLOODING</b>	Yes, rainfall	
<b>UTILITY CONNECTIONS</b>	Water and sewer are available	
<b>ENVIRONMENTAL INFORMATION</b>		
<p><b><u>Wetlands</u></b>                  There is one wetland on-site identified as a Mixed Wetland Hardwoods. The acreage for this wetland habitat is 1.14 acres according to the Preliminary Site Plan.</p> <p><b><u>Uplands</u></b>                  According to the environmental narrative provided by Meryman Environmental, Inc., dated July 2013, there is no native upland habitat on site.</p> <p><b><u>Endangered Species</u></b>                  According to the environmental narrative there were no threatened or endangered species observed on site. Only one species of special concern was present on- site, a White Ibis.</p> <p><b><u>Trees</u></b>                  The preliminary landscape plan shows an inventory of all trees on-site and provides a tree</p>		

removal and replacement chart. A total of 37 trees are proposed for removal with a requirement of 26 trees at 3” caliper and 28 trees at 4” caliper to replace them per Section 714.8.7 of the Land Development Code. This plan also shows a total of 8 existing trees to be preserved and serve as credits towards required landscape trees. Staff will evaluate the health and viability of these trees before approving credits for them.

The plant materials list includes 30 canopy trees that may serve as replacement trees. The applicant may also find other areas to plant additional trees, which may be worked out at the Final Site Plan stage. A stipulation is provided to accommodate this process.

**Landscaping/Buffers**

The preliminary landscape plan shows a 10’ roadway buffer along S.R. 70 and 30<sup>th</sup> Street frontages. The east perimeter buffer is shown at 5’. The southern extent of development abuts the wetland buffer of the wetland on-site. Since it is a forested wetland, no additional buffering is necessary for the south side of the project area. Landscape materials proposed on the plan appear to meet LDC requirements; however, species will be reviewed and approved with the Final Site Plan.

<b>NEARBY DEVELOPMENT</b>					
<b>PROJECT</b>	<b>SIZE (Square Footage/Number of Units)</b>	<b>ACREAGE</b>	<b>FAR</b>	<b>FLUC</b>	<b>APPROVED</b>
<b>SAM’s Club</b>	<b>134,630 sq. ft.</b>	<b>21.28 acres</b>	<b>0.14</b>	<b>R/O/R</b>	<b>2002</b>
<b>Wal-Mart</b>	<b>217,255 sq. ft.</b>	<b>27.22 acres</b>	<b>0.18</b>	<b>R/O/R</b>	<b>1997</b>
<b>Cedar Plaza</b>	<b>31,752 sq. ft.</b>	<b>2.93 acres</b>	<b>0.25</b>	<b>R/O/R</b>	<b>1990</b>
<b>First Bank</b>	<b>3,504 sq. ft.</b>	<b>1.12 acres</b>	<b>0.07</b>	<b>R/O/R</b>	<b>2006</b>
<b>Auto Sales/Repair</b>	<b>3,341 sq. ft.</b>	<b>.66 acres</b>	<b>0.12</b>	<b>R/O/R</b>	<b>2007</b>
<b>Mini-Storage</b>	<b>93,541 sq. ft.</b>	<b>6.53 acres</b>	<b>.33</b>	<b>R/O/R</b>	<b>1988</b>
<b>Royal Palm Cove Partners (Sabal Trace)</b>	<b>264 multi-family units</b>	<b>34.94 acres</b>	<b>N/A</b>	<b>RES-9</b>	<b>2002</b>

<b>POSITIVE ASPECTS</b>
<ul style="list-style-type: none"><li>• The site has been zoned for commercial for many years (previously a plant nursery store);</li><li>• Ongoing development occurring along S.R. 70. The timing appears to be consistent with other development trends in this part of Manatee County, along S.R. 70;</li><li>• The site is on an arterial roadway; and</li><li>• The F.A.R. will be decreased when compared to the existing use of the property.</li></ul>
<b>NEGATIVE ASPECTS</b>
N/A
<b>MITIGATING MEASURES</b>
N/A
<b>STAFF RECOMMENDED STIPULATIONS</b>
<p><b>A. <u>DESIGN AND LAND USE CONDITIONS:</u></b></p> <ol style="list-style-type: none"><li>1. The total square footage for the site shall be limited to 5,928 square foot convenience store/market, with 9 multi-pump dispensers (18 fueling stations) and a 9,853 square foot dispenser canopy. The building and gas pump canopy shall be constructed in substantial conformance with the elevations, attached hereto as Exhibit “A.”</li><li>2. The dumpster enclosures shall be constructed of similar materials as the main buildings. The enclosure and gate or fence shall be painted a similar color to the main buildings. Elevations of the dumpster enclosures and gate or fence shall be submitted for review and approval by the Building and Development Services/Planning Division prior to the approval of Final Site Plan.</li><li>3. HVAC equipment and mechanical equipment (including roof-mounted) shall be screened from S.R. 70, and adjacent residential properties on 30<sup>th</sup> Street East. Screening shall be provided with sound deflecting materials and color consistent with the construction of the exterior finish of the buildings. Compliance shall be determined by comparing the building elevations and the placement of the HVAC equipment prior to Final Site Plan approval and field-verified prior to issuance of Certificate of Occupancies.</li><li>4. The monument sign shall be of the same architectural design as the main building.</li><li>5. No outdoor speakers shall be permitted in the rear of the building.</li></ol>

**B. TRANSPORTATION CONDITIONS:**

1. The applicant shall construct a 185 foot eastbound right-turn lane at project driveway on S.R. 70. The eastbound right-turn lane shall be constructed in accordance with FDOT Design Standards (Index 301).

**C. INFRASTRUCTURE CONDITIONS:**

1. Abandoned septic tanks shall be pumped out, bottoms ruptured, and filled with clean sand or other suitable material. A permit is required from Florida Department of Health unless work is approved by County Public Works.

**D. STORMWATER:**

1. This project shall be required to reduce the calculated pre-development flow rate by a full fifty percent (50%) for all stormwater outfall flow directly or indirectly into Pearce Drain/Cap Creek Watershed.

**E. FIRE DEPARTMENT:**

1. A fire hydrant shall be required at the south entrance, on the east side of 30<sup>th</sup> Street East.

**F. ENVIRONMENTAL CONDITIONS:**

1. Tree replacement shall be accomplished on-site to the greatest extent possible, details of which will be reviewed and approved with the Final Site Plan.
2. A Conservation Easement for the areas defined as post-development jurisdictional wetlands/wetland buffers and upland preservation areas shall be dedicated to the County prior to the issuance of a Certificate of Occupancy.
3. 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 the 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); and
  - The final disposition of the well – used, capped, or plugged.

<b>REMAINING ISSUES OF CONCERN – NOT RESOLVED OR STIPULATED</b>				
<b>Disposition/status of the existing residence on-site.</b>				
<b>COMPLIANCE WITH LDC</b>				
Standard(s) Required	Design Proposal	Compliance		Comments
		Y	N	
<b>BUFFERS</b>				
<b>10' roadway buffer, S.R. 70</b>	<b>10'</b>	√		<b>Shown on Site Plan</b>
<b>10' roadway buffer, 30<sup>th</sup> Street East</b>	<b>10'</b>	√		<b>Shown on Site Plan</b>
<b>Buffer landscaping</b>		√		<b>Shown on Site Plan</b>
<b>SIDEWALKS</b>				
<b>5' sidewalk along S.R. 70</b>		√		<b>Shown on Site Plan</b>
<b>Pedestrian Crosswalk across 30<sup>th</sup> Street East</b>		√		<b>Shown on Site Plan</b>
<b>ROADS &amp; RIGHTS-OF-WAY</b>				
<b>Existing 120' ROW S.R. 70</b>	<b>120'</b>	√		<b>Shown on Site Plan</b>
<b>Existing 75' Access Easement 30<sup>th</sup> Street East</b>	<b>75'</b>	√		<b>Shown on Site Plan</b>
<b>COMPLIANCE WITH THE LAND DEVELOPMENT CODE Factors for Reviewing Proposed Site Plans (Section 603.4)</b>				
<p><b><u>Physical Characteristics</u></b>                      The applicant has prepared a site plan for development which does not create a hazard to persons or property on or off the tract. Based on current site conditions, it appears that soil conditions, as well as other physical characteristics are conducive to the proposed development of the site. The property is located within Flood Zone "X." The site is generally flat. Further, the proposed site is within a protected watershed.</p>				
<p><b><u>Public Utilities, Facilities and Services</u></b>                      The site is in an area already served by Manatee County EMS, Fire and Law Enforcement. Also, Manatee County utilities are located within the S.R. 70 East right-of-way. A 10 inch potable water main is located in the south right-of-way of S.R. 70, and a 10 inch sewer main is located in the center of S.R. 70 with two stubs to the project panel. Reclaimed water is not available.</p> <p>A statement of schools needs is not required for this project, as it is a proposed commercial development.</p> <p>The project will include a stormwater management area and will provide an on-site drainage system.</p>				



### **Major Transportation Facilities**

The site has access to S.R. 70 East and 30<sup>th</sup> Street East. S.R. 70 East is an arterial and 30<sup>th</sup> Street East is a signalized private street which connects to S.R. 70. The site has been designed to provide access to and from the proposed district without creating excessive traffic along minor streets in residential neighborhoods outside the district.

### **Compatibility**

The subject property is located in a developed section of the County and its proximity to urban services makes it an ideal site for this type of infill re-development. The site plan has been designed so as to minimize the negative effects of external impacts resulting from factors such as traffic noise, or lights by meeting or exceeding the requirements of the Land Development Code. Project control shall be accomplished through such techniques as buffering, architectural design, site design, height limitations, and intensity limitations. There is a large, heavily vegetated buffer as part of the wetland that is located on the southern 1/3 of the site. The project design meets or exceeds the Conditional Use Criteria for Service Stations and Other Gas Pump locations.

### **Transitions**

The proposed development of a convenience store with gas pumps serves as an appropriate use along S.R. 70 East, and with the wetland, provides an appropriate transition from S.R. 70 to the property to the south. The building will be single story with appropriate security amenities to provide for Crime Prevention through Environmental Design (CEPTED) principals.

### **Design Quality**

Generally, the site design meets or exceeds the Land Development Code requirements. The proposed convenience store with gas pumps and the commercial or office out parcel does include a request for Specific Approval of an alternative to the requirement for development under standard district regulations that shall be designed so as to be sensitive to the impacts of the Specific Approval requested. The Specific Approval is requested regarding Foundation Landscaping.

### **Adjacent Property**

The proposed convenience store/market with gas pumps will serve as a neighborhood service, as well as an appropriate use adjacent to heavily traveled S.R. 70. The site plan is designed with respect to the adjacent land uses. The apartment buildings to the south will be separated from the nearest commercial building by approximately 250 feet plus a very thick vegetative buffer, which is being preserved.

### **Access**

The site has access to S.R. 70 East, and 30<sup>th</sup> Street East.

### **Streets, Drives, Parking and Service Areas**

The Preliminary Site Plan for a convenience store/market with gas pumps incorporates internal driveways throughout the facility for safe and convenient access to the building and gas pumps. Right-in/right-out access is proposed on S.R. 70 East, an arterial, and access to

30<sup>th</sup> Street East, a private road, with two connections. The site plan will incorporate handicap accessibility requirements. There is an existing sidewalk along S.R. 70 East.

### **Pedestrian Systems**

The site plan has incorporated pedestrian systems throughout the facility. A sidewalk connection exists along S.R. 70 East.

### **Natural and Historic Features, Conservation and Preservation Areas**

The residence on site was placed on the National Registry of Historic Places in 1995, before the Land Development Code, relating to historic designations was adopted. A determination has been made by County staff that, given this information, this site does not need a Certificate of Appropriateness from the Historical Preservation Board. A copy of the e-mail where the determination was made is included in this staff report as Attachment #5.

It is the applicant's intention to have the house relocated. While there has been interest in relocating the house, there are no adequate County funds to move the house to one of the County historic parks. A sign has been posted indicating the house is available for someone to relocate it, with no interest. The owners are currently working with their attorney to determine other efforts relating to the house, and will be prepared to discuss this issue.

### **Density/Intensity**

The maximum FAR (Floor Area Ratio) under the R/O/R category is 0.35. The site plan design proposes a 5,928 square foot convenience store with gas pumps, and a 9,853 square foot canopy for a FAR of 0.10 the proposed intensity is appropriate for this location.

### **Height**

All structures will be limited to a maximum of 35 feet per the site plan, as calculated pursuant to the Land Development Code. This height will have no impact on the surrounding development.

### **Fences and Screening**

The site is bordered by a major arterial, a private street, and the surrounding property, that includes largely commercial uses. Residential uses to the south are heavily buffered by a large wetland area. Lighting will be designed in accordance with the requirements of the Land Development Code, Section 709. It is anticipated that all of the property to the east will be developed commercially in the future.

### **Yards and Setbacks**

The setbacks are identified on the Preliminary Site Plan, and meet, or exceed, the requirements of the Land Development Code.

### **Trash and Utility Plant Screens**

A dumpster enclosure designed to meet the Land Development Code has been identified on the Preliminary Site Plan to screen the refuse, trash, and garbage container from sight, as appropriate. The dumpster is located approximately 16 feet from the southern side of the building.

**Signs**

Signage will meet the requirements of the Land Development Code Section 724.

**Landscaping**

The attached landscape plan demonstrates that landscaping, as proposed, will exceed the standards in the Land Development Code Section 715. Land Development Code Section 715.3.3, Foundation Landscaping, also provides landscaped requirements, which have been incorporated into the landscape design. Foundation Landscaping will be accommodated through the site, as identified in the Specific Approval to allow an alternative to the Foundation Landscaping.

**Utility Standards**

The project will comply with the County's utility construction standards and procedures.

**Stormwater Management**

The project will comply with the County and SWFWMD standards for stormwater management. As noted above, the redevelopment project will be increasing the amount of pervious and open space area, as shown on the plan.

Project Located in Flood Area: Yes

Type of Flooding (i.e., rainfall, riverine, storm surge, etc.): Rainfall

Project Subject to flow reduction: Yes, 50% reduction in allowable runoff

Project Subject to OFW: No

Watershed/Basin: Pearce Drain/Gap Creek

Project located within Floodplain and/or Floodway: Project appears to be outside of the FEMA, and proposed DFIRM 100-year Floodplain

Drainage Easements/Access Easements required for existing system(s): To be determined

Applicable Watershed Studies: Gap Creek 25 year flood study available from stormwater engineer staff

Impairment: Does not appear impaired. Please verify with FDEP/SWFWMD and any needed net improvement

**Open Space**

The required minimum open space for this project is 25%. The Preliminary Site Plan proposes an open space percentage of 58%.

**COMPLIANCE WITH COMPREHENSIVE PLAN**

**The site is in the R/O/R 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.** Given the development trends in the area, the timing of this proposed development is appropriate. The surrounding area is characterized by a mix of fairly intense commercial development on three sides of the proposed development.

**Policy 2.2.1.17.1 Intent.** The site is intended for areas which are established and currently developed, exhibiting a broad range of commercial, residential, and, in certain cases, light industrial uses, and to recognize the continued existence of such areas through the long range planning timeframe. This category also provides for orderly transition from, or redevelopment of, these existing and developed multiple-use areas. The proposed floor area ratio (0.10, including the canopy) is in compliance, and actually below, the Special Approval threshold (0.25) in the R/O/R FLUC.

**Policy 2.2.1.17.2 Range of Potential Uses.** A convenience store with gas pumps is in the range of potential uses.

**Policy 2.6.1.1 Compatibility.** The Preliminary Site Plan design is compatible with surrounding development. This design, with the proposed buffers and setbacks, help to insure compatibility with surrounding development.

The site is surrounded by GC and PDC to the north, PR-S to the east, and PDMU to the west. The subject property is located in a developed area of the County and its proximity to urban services makes it a desired location for this type of infill development.

The site plan has been designed to minimize any possible negative effects of external impacts resulting from factors such as traffic, noise, or lights by meeting or exceeding the requirements of the Land Development Code. Compatibility will be accomplished through such techniques as buffering, architectural design, height limitation, and intensity limitations. There is a large, heavily vegetated buffer as a part of the wetland that is located on the southern 1/3 of the site. The Conditional Use Criteria for Service Stations and other Gas Pump locations is met or exceeded in this instance.

**Policy 2.6.5.4 Preserve/Protect Open Space.**

The site plan shows 58% open space (90,017 sq. ft.). The open space provided in junction with the retail plant nursery was 6%, and the required open space is 20%.

**TRANSPORTATION**

**Major Transportation Facilities**

The site is adjacent to S.R. 70, an existing six-lane arterial roadway and is designated as a six-lane arterial roadway in the adopted Future Traffic Circulation Maps.

**Transportation Concurrency**

Transportation concurrency compliance was evaluated for the project. The applicant prepared a Traffic Impact Analysis (TIA) to determine impacts on S.R. 70 and 30<sup>th</sup> Street East near the project site. The results of the traffic analysis, which was reviewed and approved by the Transportation Planning Division, indicated there are no level service deficiencies on roadway segments within the impact area. The S.R. 70 and 30<sup>th</sup> Street East intersection is within the impact area. While there are no deficiencies attributable to impacts of the proposed development at this intersection, it is expected to operate below adopted level of service due

to impacts of existing and previously approved development. Under the transportation concurrency provisions of the State Community Planning Act, new proposed development cannot be required to mitigate adverse impacts of background traffic. Therefore, no off-site concurrency-related improvements are required for the project (see Certificate of Level of Service Compliance table below).

**Access**

In conjunction with transportation concurrency, a review of access issues was undertaken by County staff. The project will take access via two driveways, one onto 30<sup>th</sup> Street East and the other on S.R. 70. The access point on S.R. 70 is a state-maintained facility. The applicant will need to coordinate with the Florida Department of Transportation (FDOT) for any proposed accesses along a state road. The access on 30<sup>th</sup> Street East is to a privately-owned facility.

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

**TRANSPORTATION CONCURRENCY**

**CLOS APPLIED FOR:**     Y   x   N         
**TRAFFIC STUDY REQ'D:** Y   x   N       

NEAREST THOROUGHFARE	LINK(S)	ADOPTED LOS	FUTURE LOS (W/PROJECT)
S.R. 70	3100	“D”	“E”

**OTHER CONCURRENCY COMPONENTS**

Solid waste landfill capacity and preliminary drainage intent have been reviewed with this Preliminary Site Plan. Potable water and wastewater will be reviewed at Final Site Plan/Construction Drawings.

**SPECIFIC APPROVALS**

**1. Request**

Land Development Code Section 714.8.7 requires replacement tree calipers to be three, five, or seven inches depending on the size of the tree removed. The request is to allow replacement tree calipers to be three or four inches.

**Staff Analysis and Recommendation**

Staff is in support of the request for Specific Approval for an alternative to LDC Section 714.8.7 to allow replacement tree sizes at 3”/4”/4” instead of 3”/5”/7”. Staff believes that smaller trees typically establish and grow faster. Therefore, they provide more tree canopy sooner.

**Finding for Specific Approval**

Notwithstanding the failure of this plan to comply with the requirements of LDC Section 714.8.7, the Board finds that the purpose of the LDC regulation is satisfied to an equivalent degree by the proposed design because the required number of trees and canopy will be provided.

**2. Request**

Land Development Code Section 715.3.3 requires foundation landscaping in the amount of twenty (20) square feet per one thousand (1,000) square feet of gross floor area. Due to the design and functional use of the property as a convenience store with gas pumps, the applicant is requesting an alternative to allow the foundation landscaping to be placed within the landscaping buffers. This request will allow for an alternative landscaping design, as the applicant has stated in their justification that foundation landscaping is difficult to maintain in a convenience store facility.

**Staff Analysis and Recommendation**

Staff is in support of the request for Specific Approval for an alternative to Section 715.3.3 of the LDC to allow placement of the foundation landscaping in the perimeter landscaping buffers, as the landscape area will be better maintained while still providing the required square footage of landscaped area.

**Finding for Specific Approval**

Notwithstanding the failure of this plan to comply with the requirements of LDC Section 715.3.3, the Board finds that the purpose of the LDC regulation is satisfied to an equivalent degree by the proposed design because the required amount of foundation landscaping is still being provided, in a location where it is easier to be maintained.

**ATTACHMENTS**

- 1. Applicable Comprehensive Plan Policies**
- 2. Elevations**
- 3. Specific Approval requests**
- 4. E-mail determination regarding historic residence**
- 5. Traffic Impact Analysis**
- 6. Copy of Newspaper Advertising**

**ATTACHMENT #1  
APPLICABLE COMPREHENSIVE PLAN POLICIES**

- Policy 2.1.2.7** Review all proposed development for compatibility, and appropriate timing. This analysis shall include:
- Consideration of existing development patterns;
  - Types of land uses;
  - Transition between land uses;
  - Density and intensity of land uses;
  - Natural Features;
  - Approved development in the area;
  - Availability of adequate roadways;
  - Adequate centralized water and sewer facilities;
  - Other necessary infrastructure and services;
  - Limiting urban sprawl;
  - Applicable specific area plans
  - (See also policies under Objectives 2.6.1 – 2.6.3)
- Policy 2.2.1.17** R/O/R: Establish the Retail/Office/Residential future land use category as follows:
- Policy 2.2.1.17.1** Intent: To identify, textually in the Comprehensive Plan’s goals, objectives, and policies, or graphically on the Future Land Use Map, areas exhibiting a broad range of commercial, residential and, in certain cases, light industrial areas, through the long range planning timeframe. Also, to provide for orderly transition from, or redevelopment of, these existing and developed multiple-use areas. Also, to prohibit the intrusion of new industrial areas into these R/O/R areas, which typically fail to exhibit a planned or integrated approach to multiple use development, and instead exhibit an incremental or unplanned history of multiple-use development. Also, to establish at a few major and highly accessible, but currently undeveloped, sites for the development of major future community or region-serving commercial uses with a variety and permitted intensity of use which allows for a multi-purpose commercial and office node, with residential uses. Also, to provide incentives for, encourage, or require the horizontal or vertical integration of various residential and non-residential uses within these areas, achieving internal trip capture, and the development of high quality environment for living, working, or visiting.
- Policy 2.2.1.17.2** Range of Potential Uses (see Policies 2.1.2.3. – 2.1.2.7, 2.2.1.5); Retail, wholesale or office commercial uses which function in the

market place as neighborhood, community, or region-serving. Also, residential uses, lodging places, public or semi-public uses, schools, recreational uses, appropriate water-dependent/water-related/water-enhances uses (see also Objective 4.2.1. and 2.10.4) and short-term agricultural uses.

**Policy 2.2.1.17.3 Range of Potential Density/Intensity:**

**Maximum Gross Residential Density:**

For development existing at time of plan adoption or treated as a special exception under this Comprehensive Plan – 16 dwelling units per acre;

For new development – 9 dwelling units per acre

**Maximum Net Residential Density:**

For development existing at time of plan adoption or treated as a special exception under this Comprehensive Plan – 20 dwelling units per acre;

For new development – 16 dwelling units per acre

**Maximum Floor Area Ratio: 0.35**

**Maximum Floor Area Ratio in the Urban Area: .50**

**Maximum Square Footage for Neighborhood:**

Community or Regional-Service Uses: Large 300,000 sq. ft.

**Policy 2.2.1.17.4 Other Information:**

- a) All mixed and multiple-use projects shall require special approval, as defined herein, and as further defined in any land development regulations developed pursuant to §163.3202, F.S.;
- b) All projects for which either gross residential density exceeds 6 dwelling units per acre, or for which any net residential density exceeds 9 units per acre, shall require special approval;
- c) All non-residential projects, or part thereof, exceeding 0.25 F.A.R. shall also require special approval except mini-warehouse;
- d) Non-residential projects exceeding 150,000 sq. ft. gross building area may be considered only if consistent with the



requirements for large commercial uses, as described in this element;

- e) In areas where existing development is recognized utilizing the Retail/Office/Residential category, or where the spatial form of the Retail/Office/Residential designation on the Future Land Use map is accordingly inconsistent with the commercial locational criteria contained in this element, development or redevelopment within the area designated under this category shall not be required to achieve compliance with the commercial locational criteria described in Sections 2.10.4.1 and 2.10.4.2 of this element. However, any such development or redevelopment shall still be required to achieve compliance with other commercial development standards contained in this element, and be consistent with other goals, objectives, and policies in this Comprehensive Plan (see also 2.10.4.2).
- f) In areas where the Retail/Office/Residential category is designated in a manner entirely consistent with the commercial locational criteria, all commercial development or redevelopment standards contained in this element.
- g) In order to distinguish between uses which may be permitted in the R/O/R category, as compared to those which require siting within an industrial category, the following guidelines shall be utilized:
  - i. No uses which have a primary purpose of distribution of goods from that site shall be permitted in the Retail/Office/Residential designation.
  - ii. No new areas (a new area, for the purposes of this policy, shall be defined as property beyond those parcel configurations as of May 11, 1989 which had light industrial uses established upon them) engaging in the manufacturing, processing, and assembly of goods shall be permitted in the Retail/Office/Residential designation except as provided below:
  - iii. Legally established light industrial uses existing prior to the adoption of this Comprehensive Plan shall be considered legally conforming uses, limited to their approved location. With special approval, other light industrial uses and additional square footage within the same parcel may be approved if there are no additional impact to adjoining properties and all special approval criteria are met.
  - iv. If a legally established light industrial use ceases operation for over six months with no action to re-establish and/or continue such use, the use shall now be prohibited from development within the R/O/R designation.

**Policy 2.10.4.3**

**Require that all proposed commercial uses meet, in addition to commercial locational criteria, the following commercial development standards:**

- 1) Any proposed commercial site must be sized and configured to provide for adequate setbacks, and buffers from any adjacent existing or future residential uses;**
- 2) Any proposed commercial site must be configured and sized to allow for orientation of structures, site access points, parking areas, and loading areas on the site in a manner which minimizes any adverse impact on any adjacent residential uses;**
- 3) No proposed commercial site shall represent an intrusion into any residential area. As used in this standard, “intrusion” means located between two residential uses or sites which are not separated by the right-of-way of any roadway functionally classified as collector or higher, unless the proposed commercial use meets the definition of “infill commercial development,” demonstrated through evaluation of existing land use patterns in this vicinity of the proposed use, and pursuant to guidelines contained in commercial locational criteria found in the operative provisions of this Element. Permitted exceptions listed in Policy 2.10.4.2. shall not be required to meet this development standard. No such intrusion shall be found in neotraditional developments approved as such by the County, as a mixture of uses are encouraged within those projects. No such intrusion shall be found in DRI and Large Project developments where commercial uses are internal to neighborhoods, approved as such by the County, as a mixture of uses are encouraged within those neighborhoods.**
- 4) Commercial nodes meeting the requirements specified in the operative provisions of this Element shall, additionally be spaced at least one-half mile apart, as measured between the center of two nodes. However, where two commercial nodes have been established by the development of commercial uses prior to plan adoption, and are spaced less than the minimum required one-half mile, then a waiver of this commercial development standard may be considered. Preferentially, in instances where previous development has not established a pattern of land uses inconsistent with commercial locational criteria or development standards, nodes shall be spaced no less than one mile apart. Neotraditional projects shall be exempt from this requirement. DRI and Large Project developments that have mixed uses with a residential component that receive approval to locate commercial uses**

internal to neighborhoods shall be exempt from this requirement.

**Policy 3.2.3.2** Require all water used for irrigation in new development to be the lowest quality of available water which adequately and safely meets their water use needs by requiring stormwater reuse, alternative irrigation sources, reclaimed water use, and gray water irrigation systems. Priority to receive reclaimed water shall be given to users who transfer groundwater withdrawal or other permitted quantities to Manatee County. Potable water from County utilities shall not be utilized for landscape irrigation. (See Policies 9.6.1.3. and policies under Objective 9.1.5.)

**Policy 2.2.2.6** HR: Establish the Historic Resources Overlay District as follows:

**Policy 2.2.2.6.1** Definition: The historic sites and neighborhoods established by Manatee County as priority areas for the protection of historic resources.

**Policy 2.2.2.6.2** Purpose:  
a) To recognize the approximate geographic boundaries of significant historical and archaeological areas and sites.  
b) Specific protection mechanism for historical and archaeological resources are located on this Historic and Cultural Element of this Comprehensive Plan.

**Policy 2.2.2.6.3** Applicable Goals, Objectives, and Policies: Goals, objectives, and policies pertaining to the HR Overlay District are contained in the Historical and Cultural Element of this Comprehensive Plan. Compliance with all goals, objectives, and policies, and development regulations is required for all activity within the HR Overlay.

**Policy 2.2.2.6.4** Effect of Mapping:  
a) The areas designated under the HR Overlay District on the Future Land Use Map shall also be subject to all goals, objectives, and policies for any future land use category overlaid by the HR District. Supplement #20 Future Land Use Element Page 66  
b) Recognize existing and new significant historic districts or sites as designated by Manatee County.  
c) See also goals, objectives and policies contained in the Historical and Cultural Element.