

ORDINANCE 13-28 LAKEWOOD CENTRE DRI (DRI #27)

Request: An Ordinance of the Board of County Commissioners of Manatee County, Florida, regarding land development, rendering an amended and restated Development Order pursuant to Chapter 380.06, Florida Statutes, for the Lakewood Centre Development of Regional Impact (Ordinance 12-28) (DRI #27); A/K/A Tampa Bay Regional Planning Council (TBRPC) DRI #265;

Modifying Map H and the Development Order with the following changes:

- 1) Update Phasing and Build-out dates to reflect legislatively approved extensions;
- 2) Update Conditions to reflect compliance with conditions contained therein;
- 3) Clarify procedures for a Land Use Exchange; and,
- 4) Other amendments for internal consistency.

This DRI is approved in three phases. Specific Approval was approved for Phase 1 for 900 residential units, 460,000 square feet of retail space, 458,000 square feet of office space, a 300 room hotel, and 36.8 ± acres of parks. Conceptual approval was approved for Phase 2 and 3 and in the future. Specific Approval of Phases 2 and 3 will be contingent upon submittal of further transportation and air quality analyses in accordance with Section 380.06, F.S.

The ordinance amends, replaces, and supersedes Ordinance 12-28, DRI #27, as amended; providing for severability, and an effective date.

The Lakewood Centre DRI is generally east of Lakewood Ranch Boulevard, south of Malachite Drive, west of Pope Road; and north of S.R. 70. Present zoning is PDMU/WP-E/ST (Planned Development Mixed Use/Evers Reservoir Watershed Protection Overlay District/Special Treatment Overlay District) (697.4 ± acres).

P.C.: 09/12/2013

B.O.C.C.: 10/03/2013

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, the Manatee County Land Development Code, and Section 380.06, Florida Statutes, subject to the conditions of approval established in the Development Order, I move to APPROVE DRI #27 and ADOPT Manatee County Ordinance No. 13-28, as recommended by the Planning Commission.

(COMMISSIONER BAUGH)

PLANNING COMMISSION ACTION:

On September 12, 2013, by a vote of 6 – 0, the Planning Commission recommended approval.

PUBLIC COMMENT AND CORRESPONDENCE:

There was no public comment and nothing was entered into the record at the September 12, 2013 Planning Commission public hearing.

CASE SUMMARY

CASE NO.: DRI #27, Lakewood Centre

APPLICANT: SMR North 70, LLC

REQUEST: Modify Map H and the Development Order with the following changes:

- 1) Update Phasing and Build-out to reflect legislatively approved extensions;
- 2) Update Conditions to reflect compliance with conditions contained therein;
- 3) Clarify procedures for a Land Use Exchange; and
- 4) Other amendments for internal consistency.

STAFF RECOMMENDS: Approval

REQUEST, LOCATIONAL INFORMATION, AND LAND USE CHARACTERISTICS

- The Lakewood Centre DRI is generally east of Lakewood Ranch Boulevard, south of Malachite Drive, west of Pope Road, and north of State Road 70. Present zoning: PDMU/WP-E/ST (Planned Development Mixed Use/Evers Reservoir Watershed Protection Overlay District/Special Treatment Overlay District) (697.4 ± acres).
- To the NORTH, across Malachite Drive, is a residential portion of the Northwest Sector DRI also zoned PDMU/WP-E/ST.
- To the SOUTH, across State Road 70, is a residential portion of Cypress Banks DRI, zoned PDMU/WP-E/ST.
- To the EAST, is a residential portion of Northwest Sector DRI zoned PDMU/WP-E/ST and a church zoned A (General Agriculture).
- To the WEST, is a vacant parcel zoned A; a commercial parcel and a vacant parcel, both zoned PD-C/WP-E/ST; and a school, community uses (park and YMCA) zoned A/WP-E/ST and PD-PI/WP-E/ST.

SUMMARY:

History

Lakewood Center is a mixed-use DRI (Development of Regional Impact). Both the GDP (General Development Plan) and ADA (Application for Development Approval) for the DRI were originally approved in August 2008, to allow for:

Three phases with the following uses:

- 436 single family detached residential units,
- 3,239 multi-family units
- 1,774,000 sq. ft. of commercial,
- 1,563,000 sq. ft. of office, and
- 300 hotel rooms.

The project is surrounded by existing or proposed major thoroughfare roadways or major collectors:

- SR 70, a principal arterial, on the south;
- Lakewood Ranch Blvd, a minor arterial, on the west;
- Pope Road, a collector, on the east; and
- Malachite Drive, a collector, on the north.

This request represents the second amendment to the DRI. Development has proceeded in accordance with the approved Development Order.

To date, 272 multi-family units have been completed. Other site plans for residential development are under review.

Request

The request today is for an amendment to the Lakewood Centre Development Order (DO) and Map H. The request is accompanied with a companion revision to the Zoning Ordinance and General Development Plan as well.

The process to amend the DO is different than past requests due to legislative changes approved by the state earlier this year. The amendment is not being processed as a Notice of Proposed Change (NOPC) in which the Tampa Bay Regional Planning Council reviews and approves the amendment and makes a recommendation to the County.

House Bill 979 was approved during the 2012 legislative session adding sub section k. to Florida Statue Section 380.06 (19)(e)2, dealing with DRIs. Language was added that states “changes that do not increase the number of external peak hour trips and do not reduce open space and conserved areas within the project...” which is followed by the language already in the F.S. stating that such modifications to Development Orders only require an application to the local government in accordance with the local government’s procedure for amendment of a development order and that following adoption, the local government shall render a copy to the state land planning agency (Department of Economic Opportunity). DEO no longer has the right to review, only appeal the amendment if they believe the change creates a reasonable likelihood of new or additional regional impacts. There is no requirement to provide a copy to the Regional Planning Council, since they have no rights to appeal.

Staff has reviewed the amendments and concurs that the proposed changes to the DRI Development Order and Map H do not increase the number of external peak hour trips and do not reduce open space and conserved areas with the DRI project. Nor are the changes those listed requiring an NOPC or Substantial Deviation to the DRI. If the amendment is approved, a copy of the amended ordinance will be sent to DEO and a courtesy copy to the Tampa Bay Regional Planning Council.

Each request is detailed below and shown in strike-thru/underline format in the attached Development Order:

1. Update Phasing, and Buildout dates to reflect legislatively approved extensions.

TABLE 1: DEVELOPMENT TOTALS

LAND USE	PHASE 1 (2008 – 2022)^{*&}	PHASE 2 (2009- 2021)^{*&}	PHASE 3 (2012- 2026)^{*&}	TOTAL
RESIDENTIAL				
Single-Family	0	200	236	436
Multi-Family	900	1,800	539	3,239
RETAIL (square feet)	460,000	542,000	772,000	1,774,000
OFFICE (square feet)	458,000	458,000	647,000	1,563,000
Hotel (rooms)	300	0	0	300

* The phasing buildout dates shall be ~~November 21st~~ March 22nd of the years indicated, which includes legislatively approved extensions (SB 360, SB 1752, HB 7207 and F.S. 252.363).

& The approved amount of any one land use may be increased, but only with decreases in one or more of the other land uses, per the Land Use Equivalency Matrix.

On January 7, 2013, pursuant to F.S. 252.363 (Executive Orders for Tropical Storms Debby and Isaac), an extension was granted for two years and 121 days to all phase, buildout and expiration dates. The Phase 1 buildout date was extended from November 21, 2020 to March 22, 2022. The Phase 2 buildout date was extended from November 21, 2019 to March 22, 2021, and the Phase 3 buildout date was extended from November 21, 2024 to March 22, 2026.

Staff has no objection to the revisions as the extensions have already been granted. The Development Order is simply being updated with this revision.

2. Update conditions to reflect compliance with requirements contained therein.

The other changes to the ordinance relate to updated effective dates and ownership. Staff supports this clean up of the ordinance.

3. Clarify procedures for a Land Use Exchange.

The applicant proposes language to be added to Section 4.G.2 relating to a Land Use Exchange. This language applies to the review of timing of the various components of concurrency and is consistent with current County practice relating to the issuance of a CLOS for each phase, or sub-phase, of development. It also adds language that identifies that at the time of Final Site Plan approval, potable water, wastewater treatment and schools shall be analyzed and a CLOS will be issued at that time for those concurrency components.

Staff supports this request to add language in order to clarify the timing for the issuance of a CLOS for certain concurrency components, consistent with the County's current procedures.

4. Other amendments for internal consistency.

Staff supports this request to maintain internal consistency.

Conclusion

Staff recommends approval of the amendments as shown in strike-thru/underline format in the attached ordinance.

ATTACHMENTS:

1. Ordinance 13-28
2. Copy of Newspaper Advertising