

P.C. 10/6/2016

PDR-16-06(Z)(P) – NEAL COMMUNITIES OF SOUTHWEST FL LLC/TIDES END
(DTS #20160173 / MEPS 548)

An Ordinance of the Board of County Commissioners of Manatee County, Florida, regarding land development, amending the official zoning atlas (Ordinance 15-17, the Manatee County Land Development Code), relating to zoning within the unincorporated area; providing for a rezone of approximately 19.6 acres generally located south of 17th Avenue NW, approximately 600 feet east of 99th Street NW, at the common address of 9523 17th Avenue NW, Bradenton (Manatee County) from A-1/CHHA/CEA (Suburban Agriculture/Coastal High Hazard Area/Coastal Evacuation Area) to the PDR/CHHA/CEA (Planned Development Residential/Coastal High Hazard Area/Coastal Evacuation Area) zoning district; approving a Preliminary Site Plan for 38 residential units; subject to stipulations as conditions of approval; setting forth findings; providing a legal description; providing for severability, and providing an effective date.

P.C.: 08/11/2016

B.O.C.C.: 09/01/2016 – Cancelled due to Hurricane Hermine
10/06/2016

RECOMMENDED MOTION:

Based upon the staff report, evidence presented, comments made at the Public Hearing, the action of the Planning Commission, and finding the request to be **CONSISTENT** with the Manatee County Comprehensive Plan and the Manatee County Land Development Code, as conditioned herein, I move to **APPROVE** Manatee County Zoning Ordinance No. PDR-16-06(Z)(P); **APPROVE** the Preliminary Site Plan with Stipulations A.1-A.2, B.1-B.2, and C.1-C.2; **GRANT** Special Approval for: 1) a project in the Coastal Evacuation Area, and 2) a project in the Coastal High Hazard Area; and **GRANT** Specific Approval of alternatives to Land Development Code Section 402.7.D.7 (reduce required 25 foot front yard setback), and Section 1005.3 Table 10.2 (reduce required parking for a Private Neighborhood Park), as recommended by the Planning Commission.

(Commissioner Chappie)

PLANNING COMMISSION ACTION:

On August 11, 2016, by a vote of 6 – 0, the Planning Commission recommended approval.

BOARD OF COUNTY COMMISSIONERS ACTION:

The September 1, 2016 Board of County Commissioners public hearing was cancelled due to Hurricane Hermine. This item was readvertised and renoticed for the October 6, 2016 Board of County Commissioners public hearing.

PUBLIC COMMENT AND CORRESPONDENCE:

The following people spoke at the August 11, 2016 Planning Commission public hearing:

Ed Goff and Earl Baden spoke stating opposed due to building in the Coastal High Hazard Area and Coastal Evacuation Area, density too high, incompatible with surrounding subdivisions most of those west of Robinson Preserve are 1 acre lots.

Jack Richardson spoke stating the Planning Commission needs to start discussing traffic and this project will add traffic onto Manatee Avenue.

Ed Goff submitted paperwork during his public comment at the August 11, 2016 Planning Commission public hearing.

A Traffic Impact Statement and public comment letters were entered into the record at the August 11, 2016 Planning Commission public hearing.

PROJECT SUMMARY	
CASE#	PDR-16-06(Z)(P) (DTS #20160173 / MEPS 548)
PROJECT NAME	Tides End
APPLICANT(S):	Neal Communities of Southwest FL LLC
PROPOSED ZONING:	PDR/CHHA/CEA (Planned Development Residential/Coastal High Hazard Area/Coastal Evacuation Area)
EXISTING ZONING:	A-1/CHHA/CEA (Suburban Agriculture/Coastal High Hazard Area/Coastal Evacuation Area)
PROPOSED USE(S):	38 lot single family residential subdivision
CASE MANAGER:	Branden Roe
STAFF RECOMMENDATION:	APPROVAL with Stipulations
DETAILED DISCUSSION	
<p>History: The subject property (±19.6 acres) is currently zoned A-1/CHHA/CEA (Suburban Agriculture/Coastal High Hazard Area/Coastal Evacuation Area). On December 5, 2013 the Manatee County Board of County Commissioners approved Ordinance Number Ord. 13-010, which amended the Manatee County Comprehensive Plan, Future Land Use Map for the subject property from RES-1 (Residential, 1 dwelling unit per acre) to RES-3 (Residential, 3 dwelling units per acre). Ord. 13-010 resulted in the creation of a new Specific Property-Development Condition to the General Introduction Chapter, Section D – Special Plan Interpretation Provisions, Subsection D.5 – Specific Property-Development Conditions. Ord. 13-010 limited the maximum potential density of the subject property to 38 units per acre, D.5.16 in the Manatee County Comprehensive Plan reiterates this limited development potential, the specific language from the Comprehensive Plan is provided below.</p> <p style="margin-left: 40px;">D.5.16 Ordinance 13-10 (ROBINSON FARMS PLAN AMENDMENT)</p> <p style="margin-left: 80px;">The 20± acre property identified as the Robinson Farms Plan Amendment and designated RES-3 on the Future Land Use Map pursuant to Manatee County Ordinance No. 13-10 shall be limited to a maximum of thirty-eight (38) residential units.</p> <p>Request: The current request is to rezone from A-1/CHHA/CEA (Suburban Agriculture/Coastal High Hazard Area/Coastal Evacuation Area) to PDR/CHHA/CEA (Planned Development Residential/Coastal High Hazard Area/Coastal Evacuation Area) and receive approval for a Preliminary Site Plan for a 38 lot single family residential subdivision. The entire site is in the RES-3 (Residential, 3 dwelling units per gross acre) Future Land Use Category (FLUC). This FLUC allows consideration of suburban or urban planned residential development.</p> <p>The applicant has submitted an Emergency Preparedness Plan for the Tides End Subdivision which was reviewed by Manatee County Emergency Management for compliance, and was deemed compliant with the minimum criteria set forth in the Plan Review Guidelines. The approval of the Emergency Preparedness Plan does not guarantee the effectiveness of the plan, but merely compliance with requirements. The Emergency Preparedness Plan Approval Letter is included in this Staff Report as an attachment.</p> <p>Staff recommends Approval with Stipulations.</p>	

SITE CHARACTERISTICS AND SURROUNDING AREA		
ADDRESS:	9523 17th Avenue NW - Bradenton	
GENERAL LOCATION:	Generally located south of 17th Avenue NW, approximately 600 feet east of 99th Street NW.	
ACREAGE:	±19.6 acres	
EXISTING USE(S):	Vacant	
FUTURE LAND USE CATEGORY(S):	RES-3 (Residential, three (3) dwelling units per acre)	
DENSITY:	1.94 du/ac (gross) 2.05 du/ac (net)	
SPECIAL APPROVAL(S):	(1) To allow a project in the Coastal Evacuation Area (2) To allow a project in the Coastal High Hazard Area	
OVERLAY DISTRICT(S):	CHHA (Coastal High Hazard Area) CEA (Coastal Evacuation Area)	
SPECIFIC APPROVAL(S):	(1) Section 402.7.D.7, reduced front yard setback from 25 feet to 23 feet (2) Section 1005.3, Table 10.2 – Parking Ratios: to allow for the parking requirement for the Private Neighborhood Park to be waived.	
SURROUNDING USES & ZONING		
NORTH	Residential (RSF-1)	
SOUTH	Residential (PD-R)	
EAST	Residential (A-1/PDR)	
WEST	Palma Sola Botanical Garden & Residential (A-1)	
SITE DESIGN DETAILS		
SETBACKS – Single Family	Front (front loading garage) Front (front loading garage) Side Rear Agriculture Waterfront	23' 20' 5' 15' 35' 30'
MAXIMUM BUILDING HEIGHT	35'	
OPEN SPACE:	Minimum Required: ±4.90 acres (25%) Provided: ±6.26 acres (31.9%)	
RECREATIONAL AMENITIES:	Private Neighborhood Park	

RECREATIONAL AREA:	±1.07 acres
ACCESS:	Parcel draws access from 17th Avenue NW
FLOOD ZONE(S):	Project site lies in Zone AE with a Base Flood Elevation of 9' NAVD 1988 per FIRM Panel 12081C0143E, effective 03/17/2014
AREA OF KNOWN FLOODING:	Yes, Tidal/Storm Surge
UTILITY CONNECTIONS:	County Water and Sewer

ENVIRONMENTAL INFORMATION

Overall Wetland Acreage:	No wetlands on-site
Proposed Impact Acreage:	No Impacts

Wetlands

According to the environmental narrative done by ECO Consultants dated March 2016 there are no jurisdictional wetlands within the project limits.

Uplands

According to the environmental narrative there is no native habitat on-site.

Endangered Species

According to the environmental narrative there were no listed species present on-site.

Trees

The applicant has indicated that tree removal and replacement will be addressed with the Final Site Plan.

Landscaping/Buffers

The Preliminary Site Plan has depicted and labeled the roadway buffer of 20' and the perimeter greenbelt buffer of 15'. The details of what types, sizes and quantities of vegetation are noted on the plan as well.

The preliminary landscape plan also indicates that the project will be in compliance with all requirements of Section 701 of the LDC and that irrigation will also be provided in accordance with the LDC requirements. No Specific Approvals were requested for landscape requirements.

NEARBY RESIDENTIAL DEVELOPMENT

PROJECT	LOTS / UNITS	DENSITY	FLUC	ZONING
Loop of NW Bradenton	50	0.99	RES-1	RSF-1
Hawthorne Park	72	2.10	RES-3	PD-R
Mango Park Northwest	60	2.53	RES-3	PD-R

POSITIVE ASPECTS
<ul style="list-style-type: none"> ● Project as proposed includes a recreational amenity in the form of a community park.
NEGATIVE ASPECTS
<ul style="list-style-type: none"> ● Project is located within the Coastal High Hazard Area and the Coastal Evacuation Area. ● Water, sewer, and reclaimed water infrastructure is located within the Coastal High Hazard Area and Coastal Evacuation Area.
MITIGATING MEASURES
<ul style="list-style-type: none"> ● Proposed density is below the maximum potential allowed within the RES-3 Future Land Use Category, Coastal High Hazard Area Overlay and Coastal Evacuation Area Overlay. ● Project has an associated Emergency Preparedness Plan which established a plan for evacuation during storm events, this plan have been reviewed for compliance, and approved by County requirements by Manatee County’s Public Safety Department. ● The applicant proposes to design water, sewer and reclaimed water infrastructure to be at an elevation above the Category 1 hurricane storm surge line as established by a Sea Lake, and Overland Surges from Hurricanes (SLOSH) computerized storm surge model.
STAFF RECOMMENDED STIPULATIONS
<p>A. <u>DESIGN AND LAND USE STIPULATIONS</u></p> <ol style="list-style-type: none"> 1. To ensure a 25 foot setback from the right of way, a minimum two (2) foot separation from the edge of the sidewalk to the property line is required on all proposed lots. 2. The applicant shall include in a Notice to Buyers recorded by the Applicant in the Public Records of Manatee County, a statement notifying potential buyers that the adjacent botanical gardens may host both indoor and outdoor events, throughout the week including on nights and weekends with accompanying noises, parking and other characteristics of uses typical for such events involving attendance by the public. <p>B. <u>INFRASTRUCTURE STIPULATIONS</u></p> <ol style="list-style-type: none"> 1. Connection to the County potable water and wastewater systems 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 appropriate 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. 2. Water, sewer, and reclaimed water infrastructure at or above ground level (i.e., water meters, fire hydrants, blow-off assemblies, backflow devices, sewer cleanouts, manholes, lift stations) dedicated to Manatee County shall be elevated above the Category 1 storm surge line as established by a Sea, Lake, and Overland Surges from Hurricanes (SLOSH) computerized storm surge model. Prior to or concurrent with the Construction Plan review of the project, a SLOSH model specific to the Tides End project area shall be provided to the Manatee County Public Works and Utilities Departments verifying the minimum required infrastructure elevation.

C. ENVIRONMENTAL STIPULATIONS

1. Prior to Preliminary Site Plan/Final Site Plan approval , the entire site shall be evaluated for potential hazardous material locations (i.e., historical cattle dipping vats, underground/above ground storage tanks, or buried drums) by a qualified environmental consultant. Should evidence of contamination be discovered, further investigation will be required to determine the level of contamination and appropriate remediation/mitigative measures. Sec.542.7.C (formerly Sec. 723.3.7.10).
2. 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.

REMAINING ISSUES OF CONCERN – NOT RESOLVED OR STIPULATED

No remaining issues.

COMPLIANCE WITH LDC

Standard(s) Required	Design Proposal	Compliance		Comments
		Y	N	
BUFFERS				
20' roadway buffer, 17th Ave NW	20'	Y		Shown on PSP
15' perimeter buffer	15' greenbelt buffer	Y		15' Greenbelt Buffer Shown
Buffer landscaping		Y		Plant materials and quantities are not part of the PSP process
SIDEWALKS				
5' internal sidewalks	5'	Y		Shown on PSP
5' sidewalk, exterior	5'	Y		Shown on PSP
ROADS & RIGHTS-OF-WAY				
50' internal rights-of-way	50'	Y		Shown on PSP
24' paved roadways	24' (12' lanes)	Y		Shown on PSP

**COMPLIANCE WITH THE LAND DEVELOPMENT CODE
 Preliminary Site Plan (PSP) Review Criteria (LDC Section 322.2)
 Criteria for Zoning Map Amendments (LDC Section 342.3)
 General Design Requirements for all Planned Development Site Plans (LDC Section 402.6)
 PDR – Planned Development Residential Standards (LDC Section 402.7)**

322.2 Preliminary Site Plan (PSP) Review Criteria:

Based upon staff review, the proposed plan meets the requirements and regulations put forth in the Comprehensive Plan and the Manatee County Land Development Code, including requirements for Preliminary Site Plans, and the PDR zoning district contained in Chapter 4 of the LDC.

342.3. Review Criteria for Zoning Map Amendments

A) Compatibility with the existing development pattern and the zoning of nearby properties.

The proposed development is for a 38 lot single family residential subdivision in an area with existing development. The rezone to PD-R is consistent with surrounding zoning

districts and development patterns surrounding the subject property. The surrounding area is dominated by existing residential zoning districts and development, and residential support uses.

B) Changes in land use or conditions upon which the original zoning designation was based.

~~There have been no substantial changes in land use or conditions upon which the original zoning designation was based, aside from an increase in development occurring in the surrounding area.~~

Ordinance 13-010 amended the Future Land Use Map, and categorized this property as RES-3 Future Land Use. Prior to this FLUM Amendment, the A-1 zoning district's maximum density was consistent with the RES-1 FLUC and was the basis upon which the original zoning designation was determined. This change, in conjunction with an increase in development occurring in the surrounding area, demonstrate changes to the land use and conditions in the time since the original zoning designation was established.

C) Consistency with the current Comprehensive Plan.

The proposed rezone to Planned Development Residential is consistent with the underlying Future Land Use Category of RES-3, and the proposal is consistent with other applicable sections of the Comprehensive Plan, discussed in greater detail in sections below.

D) Conflicts with existing or planned public improvements.

The proposed rezoning of the property from A-1 to PD-R does not conflict with any existing or planned public improvements.

E) Availability of public facilities, based upon the consideration of the following factors:

- (1) Impact on the traffic characteristics related to the site, specifically trip generation potential.**
- (2) Impact on population density or development intensity such that the demand for schools, sewers, streets, recreational areas and facilities, and other public facilities and serves are adversely affected.**
- (3) Impact on public facilities planned and funded to support any change in density or intensity pursuant to the requirements of the Comprehensive Plan and applicable law.**

Public facilities are available to the project, and impacts resulting from the project in the form of trip generation potential, population density, student generation and utilities usage have been reviewed and analyzed by appropriate reviewing agencies. An application for Certificate of Level of Service Compliance for traffic, solid waste, transit, and parks have been reviewed and are pending Preliminary Site Plan approval. The Manatee County School District has also issued a report which is included as an attachment to this report.

The site is located within School Service Area 4. The school attendance zones are as follows:

1. Stewart Elementary
2. King Middle School
3. Manatee High School

The School Board of Manatee County and Manatee County Government have adopted a school concurrency management system and the development is required to obtain a Certificate of Level of Service for Public School Facilities upon submission of an application for horizontal or vertical construction approval (Final Site Plan or equivalent).

The School Board of Manatee County provided a preliminary report of the potential effects on school capacity. The available capacity for elementary and middle schools is analyzed by the four School Service Areas (SSA) and High Schools are analyzed district-wide. Based on the applicant's request, the School Board reports:

1. Elementary Schools do have sufficient capacity to support the proposed land development application in School Service Area 4.
2. Middle Schools do have sufficient capacity to support the proposed land development application in School Service Area 4.
3. High Schools do have sufficient capacity to support the proposed land development application.

Please note that the High School Level of Service is 100% districtwide. The Preliminary School Concurrency Analysis for this development is 100% Level-of-Service. This report does not encumber capacity. When the final site plan is submitted to encumber capacity the analysis may differ from this preliminary analysis.

F) Health, safety or welfare of the neighborhood and County.

The proposed rezone will not impact the health, safety or welfare of the neighborhood or the County as a whole.

G) Conformance with all applicable requirements of [the] Code.

The proposed rezone and associated Preliminary Site Plan is consistent and conforms with all applicable Land Development Code requirements.

H) Consistency with the development patterns in the area and appropriateness for orderly development of the community. The cost of land or other economic considerations pertaining to the applicant shall not be a consideration in reviewing the request.

The proposed rezone from A-1 to PDR is compatible with the existing development pattern of the area, nearly all adjacent properties are residential in nature, and many are Planned Developments. The area is largely developed, and the proposal is consistent with the densities and intensities of the surrounding area.

I) Logical expansion of adjacent zoning districts.

The proposed rezone from A-1 to PD-R would result in an expansion of residential zoning districts located to the north, east and south of the subject property, and will result in the expansion of planned developments in the area.

J) Impact on historic resources.

There are no known historic resources on or adjacent to the subject property, and as such there will be no anticipated impacts.

K) Environmental impacts.

The proposed change in zoning designation is not anticipated to have any adverse environmental impacts on the site or any adjacent properties; however, specific impacts including, but not limited to tree removal will be reviewed at greater detail at the time of Final Site Plan review.

L) Types of allowable uses and impact of those on surrounding residential areas.

The uses permitted in the PD-R zoning district are fundamentally residential, or residential support in nature, and as such are consistent with the uses existing in

surrounding developments. The request is for single family detached residential units, this contributes to the diversification of the available housing stock without negatively impacting the surrounding developments as the proposed uses are consistent.

M) Relocation of mobile home owners, if applicable, within the meaning of, and pursuant to, Section 723.083, Florida Statutes.

Not Applicable.

N) In the case of rezones to Planned Development, consistency with the Planned Development District standards contained in Chapter 4.

The proposed rezone to PDR is consistent with the standards and requirements for Planned Development Districts as established in Chapter 4.

O) Any other matters which may be appropriate for consideration pursuant to [the] Code, the Comprehensive Plan or applicable law.

Not Applicable.

402.6. General Design Requirements for all Planned Development Site Plans

A) Physical Characteristics of the Site; Relation to Surrounding Property

B) Relation to Major Public Utilities, Facilities and Services.

C) Relation to Major Transportation Facilities

D) Compatibility

E) Transitions

The applicant has request a rezone from A-1 to PD-R and has submitted an associated Preliminary Site Plan (PSP). The associated PSP is consistent with the requirements set forth in Section 322 of the LDC regarding PSP. Sheets 1-7 of the associated PSP and the associated supplemental documents submitted by the applicant satisfies requirements A, B, C, D and E. Additionally, refer back to the analysis provided above demonstrating compliance with Section 342.3 of the LDC for detailed discussion pertaining to relations to public utilities, facilities and services, transportation facilities, and compatibility of the proposal.

The Interlocal Agreement for Public School Facility Planning provides for the coordination between the four municipalities in Manatee County, the County and the School Board in regards to certain types of applications for residential development: Comprehensive Plan amendments providing for any increase in residential density; Zoning map amendments regarding permissible residential development and approvals for, or amendments to development plans for residential development that authorize the new construction of 10 or more residential units.

The School Board is required to provide through their staff a written report that addresses specific items regarding school planning. The local government is required to enter the School Report containing a preliminary statement of available and projected school capacity, among other matters, into the public hearing record for the application. (School Report is attached to this Staff Report).

The Interlocal Agreement provides that unless the application is for a DRI development order or a local development agreement, the proposed residential development shall be eligible to receive a concurrency determination, as defined in the Interlocal Agreement, concurrent with authorization for commencement of horizontal construction or vertical construction, whichever occurs first.

The school capacity and demand calculations, and any actions that may be required to maintain the level of service standards are made by the appropriate entity at this later stage in the development review process, as required by the Interlocal Agreement.

F) Design Quality

The applicant has submitted a PSP in association with the requested rezone and this design has been reviewed and analyzed in regards to the regulations established by the Manatee County LDC and Comprehensive Plan. Specific details not required at this time will be further reviewed at the time of final site plan review.

G) Relationship to Adjacent Property

Sheet 2 of the associated GDP and the associated supplemental documents submitted by the applicant satisfies this requirement.

H) Access

I) Streets, Drives, Parking and Service Areas

J) Pedestrian Systems

The property is directly accessed by 17th Avenue NW, the applicant has proposed 24 foot paved drive aisles and will provide 5 foot sidewalks both internal and external to the project site as required and shown on the associated PSP.

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

There are no identified natural or historic features that require conservation or preservation on the property, as such this requirement is not applicable to this case.

L) Density/Intensity

The project proposes a total of 38 single family detached residential units on the ±19.6 acre parcel. This results in a gross residential density of 1.94 dwelling units per acre and a net density of 2.05 dwelling unit per acre. The proposed density is consistent with the maximum threshold of 3 dwelling units per acre allowed within the RES-3 FLUC.

The proposed gross density of 1.94 units per acre is consistent with the limitations established by Policy 4.3.1.2 of the Manatee County Comprehensive Plan of 3 dwelling units per acre within the Coastal High Hazard Area (CHHA)

M) Height

N) Fences and Screening

O) Yards and Setbacks

P) Trash and Utility Plant Screens

Q) Signs

R) Landscaping

The applicant proposes a maximum building height of 35 feet; this is consistent with the proposed range of uses to be allowed within the project area. The applicant as established minimum setbacks from all property lines, as well as minimum separation distances between the proposed structures. Setbacks are established on the Cover Sheet (Sheet 1) of the PSP.

Requirements M, N, O, P, Q, and R will be reviewed for compatibility and consistency with the requirements of the Planned Development Residential district at the time of future final site plan review, as intended by Section 402.7 of the LDC.

S) Special Guidelines for Review of Projects with Mixed Use Plan Designations and Projects at Designated Entranceways

T) Environmental Factors

U) Rights-of-Way and Utility Standards

V) Stormwater Management

Requirements S, T, U, and V have been satisfied for PSP review criteria, and a more detailed specific review of these requirements will occur at the time of future final site plan review, as intended by Section 402.7 of the LDC.

W) Consistency with Comprehensive Plan

In comparing the schedule of uses outline in Tables 4-1 and 4-7 of the LDC for the A-1 and PD-R zoning districts (respectively), it is determined that the range of uses permitted in the PD-R district is more consistent with the underlying RES-3 FLUC. Additionally, the request at hand is consistent with other Comprehensive Plan Goals, Objectives and Policies.

X) Other Factors

Not Applicable

402.7 PDR—Planned Development Residential

A) Intent

The proposed rezone from A-1 to PD-R is consistent with the intent of the PD-R district, which is to provide for development of residential areas adequately served or in areas which can be adequately served by necessary utilities and services, in locations that are compatible with adjacent and surrounding land uses in accord with the goals, objectives, and policies of the Comprehensive Plan and in compliance with the standards of the PD-R district.

B) Permitted Uses

The proposed use for the property as a single family residential subdivision is consistent with the permitted uses established in Table 4-7 of the Land Development Code, and the range of allowable uses established in the applicable policies of the Comprehensive Plan.

C) Density

The project proposes a total of 38 single family detached residential units on the ±19.6 acre parcel. This results in a gross residential density of 1.94 dwelling units per acre, and a net density of 2.05 dwelling units per acre. The proposed density for the project is consistent with the maximum allowed density established by the Comprehensive Plan for the RES-3 FLUC, as discussed previously. The project is also located within the CHHA Overlay, and is subject to Policy 4.3.1.2 of the Comprehensive plan which limits the maximum density within the CHHA to 3 units per acre. The proposed densities are below the maximum limits of Policy 4.3.1.2, and as such is consistent with applicable sections of the comprehensive Plan and LDC.

D) PDR Standards

1. **Site Planning**
2. **Landscaped Open Space and Pervious Area Requirements**
3. **Frontage and Accessibility**
4. **Neighborhoods**
5. **Green Belts**
6. **Traffic Circulation**
7. **Yard and Setbacks**
8. **Minimum Lot Width**
9. **Building Height**

The request to rezone from A-1 to PD-R includes an associated Preliminary Site Plan. This PSP has been submitted and is consistent with the requirements of Section 402.7.D of the LDC. Specifically, the associated PSP provides for and satisfies numbers 1-9 as listed above in a manner that is both consistent with the intent and requirements of the LDC and is consistent and compatible with surrounding existing developments.

Use/Type	Front	Side	Rear
Single Family	23'/20'	5'	15'
Agriculture buffer	35'		
Waterfront	30'		

The development will undergo another round of detailed review to ensure consistency with all applicable established and code based requirements at the time of future final site plan review, as intended by Section 402.7 of the LDC. Future Final Site Plan(s) will be required to be consistent with the associated Preliminary Site plan which is included in this requested approval. Should the Final Site Plan include any substantial alterations, changes or deviations it will require a return to public hearing and approval to be granted by the Board of County Commissioners.

COMPLIANCE WITH COMPREHENSIVE PLAN

The site is in the RES-3 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 surrounding area is characterized by residential, commercial, governmental, and agricultural uses. Many of the surrounding developments are Planned Developments which is consistent with what is proposed by this project. Utilities are available to serve this project.

Policy 2.2.1.10.1 Intent. The site is intended for a low-density urban, or clustered low-moderate density urban, residential environment. Also to provide for a complement of residential support uses normally utilized during the daily activities of residents of these low or low-moderate density urban areas.

Policy 2.2.1.10.2 Range of Potential Uses. Single family residential units are within the range of potential uses allowed.

Policy 2.6.1.1 Compatibility. PD-R developments can be designed to permit development consistent with the growing residential trends in the area. In addition, PD-R allows the Board to attach stipulations to ensure the project is compatible with the surrounding uses.

Policy 2.6.5.4 Preserve/Protect Open Space. The site plan shows 31.9% open space (± 6.26 acres). 25% open is required (± 4.9 acres).

TRANSPORTATION

Major Transportation Facilities

The site is located south of 17th Avenue NW and east of 99th St NW at 69th Street NW. 17th Avenue NW is designated as a two lane collector roadway in the Comprehensive Plan's Future Traffic Circulation Plan and has a planned right of way width of 84 feet.

Transportation Concurrency

Transportation concurrency was evaluated for the project. The Applicant prepared a Traffic Impact Statement (TIS), and the conclusion of the approved TIS is that there are no off-site concurrency-related improvements required for the project (see Certificate of Level of Service (CLOS) Compliance table below).

Access

Access to the site will be provided by a full access on 17th Avenue NW.

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

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

NEAREST ROADWAY	LINK(S)	ADOPTED LOS	EXISTING LOS
17 th Avenue NW	1240	D	D

Solid waste landfill capacity, park needs, and preliminary drainage intent have been reviewed with this Preliminary Site Plan. School capacity, potable water and waste water will be reviewed at the time of Final Site Plan/Construction Drawings.

SPECIFIC APPROVALS – ANALYSES, RECOMMENDATIONS, FINDINGS

The applicant has requested two (2) Specific Approvals.

Applicant Request (1)

The Applicant has requested a Specific Approval for an alternative to Section 402.7.D.7 of the Manatee County Land Development Code. The applicant is seeking a twenty-three (23) foot front yard setback where a twenty-five (25) foot setback for front loaded garages is required by the Land Development Code.

Staff Analysis

Staff has reviewed the proposed design of the residential subdivision, and has included a stipulation that has been accepted by the applicant which requires a minimum two (2) foot separation from the edge of the sidewalk to the property line for all proposed lots to ensure a 25 foot setback from the right of way to potential front loading garages.

Finding for Specific Approval

Notwithstanding the failure of this plan to comply with Land Development Code Section 402.7.D.7, the Board finds that the intent of Section 402.7.D.7 is met by the project’s proposed design and associated stipulations to an equal or greater degree in order to further the intent of the Planned Development Residential zoning category provisions.

Applicant Request (2)

The Applicant has requested a Specific Approval for an alternative to Section 1005.3, Table 10-2 – Parking Ratios of the Manatee County Land Development Code. The applicant is seeking to eliminate the required one (1) parking space for a Private Neighborhood Park serving 100 lots or less.

Staff Analysis

Staff has reviewed the proposed design of the residential subdivision, the project proposes a maximum of thirty-eight (38) residential lots. Section 1005.3, Table 10-2 requires a minimum of one (1) parking space for a Private Neighborhood Park serving up to a 100 residential lots. The proposed park is the central recreational feature in the community, and is located not more than 740 feet from any residential lot. The elimination of the parking

space does not pose any obstacles to accessibility, and encourages a walkable community and supports the multi-modal design on the subdivision. The subdivision provides sidewalks which will make the public park safely accessible by pedestrians.

Finding for Specific Approval

Notwithstanding the failure of this plan to comply with Land Development Code Section 1005.3, Table 10-2, the Board finds that the intent of Section 1005.3, Table 10-2 – Parking Ratios is met by the project’s proposed design, to an equal or greater degree in order to further the intent of the Planned Development Residential zoning category provisions and the multi-modal approach to transportation that is found throughout Chapter 10 of the Manatee County Land Development Code.

SPECIAL APPROVALS – ANALYSES, RECOMMENDATIONS, FINDINGS

“Special Approval” is a process requiring an additional level of review pursuant to the Comprehensive Plan. It is defined as a development order review and approval process entailing, at minimum, project review and approval by the Manatee County Board of County Commissioners or the specific delegation of any specific review and approval process, or part thereof, to one or more County departments with the option for appeal to the BOCC. The planned development process allows the BOCC to approve stipulations to ensure compatibility with surrounding zoning and land uses and address any specific issues related to the development.

The applicant is requesting Special Approval to allow for a project which (1) is located in the Coastal Evacuation Area (CEA), and (2) is located in the Coastal High Hazard Area (CHHA).

- (1) To allow a project in the Coastal Evacuation Area
- (2) To allow a project in the Coastal High Hazard Area

Staff Analysis and Recommendation

Comprehensive Plan Policy 2.2.2.4.4.a. requires Special Approval for all projects which are at least partially within the CEA Overlay District. Comprehensive Plan Policy 2.2.2.5.4.a. requires Special Approval for all projects that are at least partially within the CHHA Overlay District. The proposal at hand is consistent with Policies 2.2.2.4, 2.2.2.4.1, 2.2.2.4.2, 2.2.2.4.3, 2.2.2.4.4, 2.2.2.4.5, 2.2.2.5, 2.2.2.5.1, 2.2.2.5.2, 2.2.2.5.3, 2.2.2.5.4, and 2.2.2.5.5, and has undergone the appropriate Special Approval process of going Planned Development.

Finding for Special Approval

The Board finds that the purpose of the Comprehensive Plan, and the applicable Special Approval regulations are satisfied by the analysis provided in the staff report and by the proposed design of the project, which demonstrate that the project as proposed will have no significant detrimental impacts on natural resources, adjacent land uses, surrounding developments, or public facilities.

ATTACHMENTS

- 1. Applicable Comprehensive Plan Policies**
- 2. Maps – Future Land Use, Zoning and Aerials**
- 3. Zoning Disclosure Affidavit**
- 4. Special and Specific Approval Request Letter**
- 5. Public Safety – Emergency Preparedness Plan Approval Letter**
- 6. School Board Report**
- 7. Traffic Impact Statement (TIS)**
- 8. Affidavits of Advertising**

- 9. Preliminary Site Plan**
- 10. Ordinance PDR-16-06(Z)(P)**
- 11. Final Order from State of Florida Administration Commission**
- 12. Request from Applicant for additional presentation time**
- 13. Public Comments**

APPLICABLE COMP PLAN POLICIES

Policy: 2.1.2.3 Permit the consideration of new residential and non-residential development with characteristics compatible with existing development, in areas which are internal to, or are contiguous expansions of existing development if compatible with future areas of development.

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 Objs. 2.6.1 - 2.6.3)

Policy: 2.2.1.10 **RES-3:** Establish the Residential-3 Dwelling Units/Gross Acre future land use category as follows:

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.

Policy: 2.2.1.10.2 Range of Potential Uses (see Policies 2.1.2.3 - 2.1.2.7, 2.2.1.5): Suburban or urban residential uses, neighborhood retail uses, short-term agricultural uses other than special agricultural uses, agriculturally-compatible residential uses, public or semi-public uses, schools, low intensity recreational uses, and appropriate water-dependent/water-related/water-enhanced uses (see also Objectives 4.2.1 and 2.10.4).

Policy: 2.2.1.10.3 Range of Potential Density/Intensity:

Maximum Gross Residential Density:
3 dwelling units per acre

Minimum Gross Residential Density: 2.5 only in UIRA for residential projects that designate a minimum of 25% of the dwelling units as "affordable housing".

Maximum Net Residential Density:
6 dwelling units per acre

9 dwelling units per acre within the UIRA for residential projects that designate a minimum of 25% of the dwelling units as “Affordable Housing”.

(except within the WO or CHHA Overlay Districts pursuant to Policies 2.3.1.4 and 4.3.1.5)

Maximum Floor Area Ratio:

0.23 (0.35 for mini-warehouse uses only)

1.00 inside the CRA's and UIRA

Maximum Square Footage for Neighborhood

Retail Uses: Medium (150,000sf)

Policy: 2.2.1.10.4

Other Information:

- a) All mixed and multiple-use projects 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 gross residential density exceeds 2.0 dwelling units per acre, or in which any net residential density exceeds 3 dwelling units per acre shall require special approval.
- c) Any nonresidential project exceeding 30,000 square feet of gross building area shall require special approval.

Policy: 2.2.2.4

CEA: Establish the Coastal Evacuation Area Overlay District as follows:

Policy: 2.2.2.4.1

Definition: The geographic area which lies within the evacuation area for a Category 1 hurricane as established by the Manatee County Emergency Management Division of the Public Safety Department in conjunction with the Tampa Bay Regional Planning Council, as updated on a periodic basis.

Policy: 2.2.2.4.2

Purpose:

- a) To limit population in the Category 1 hurricane evacuation area requiring evacuation during storm events.
- b) To limit the amount of infrastructure, both private and public, within the CEA Overlay District and thereby limit magnitude of public loss and involvement in mitigating for loss of private infrastructure to Manatee County residents.
- c) To, through exercise of the police power, increase the degree of protection of public and private property, and to protect the lives of residents within the CEA, and reduce the risk of exposing lives or property to storm damage.
- d) To accomplish shoreline stabilization along coastal areas by limiting development activity which may adversely impact

shoreline stability.

- e) To protect coastal water quality by reducing impervious surface along coastal areas, thereby reducing the risk of incomplete treatment of stormwater runoff before discharge into coastal waters.
- f) To encourage, establish, and maintain vegetative and special buffer zones, in order to maintain the capacity of natural vegetative communities in mitigating the negative effects of storm surge and tidal velocity, and the erosive effect of wave action.

Policy: 2.2.2.4.3

Applicable Goals, Objectives and Policies: Goals, objectives and policies pertaining to the CEA Overlay District are contained under Objectives 4.3.1, 4.3.2, 4.4.2 and 4.4.3 of the Coastal Management Element.

Compliance with all goals, objectives, and policies listed in this subsection, and with other applicable goals, objectives, policies, and development regulations is required for all activity within the CEA Overlay District.

Policy: 2.2.2.4.4

Effect on Mapping:

- a) Any project which is at least partially within the CEA Overlay District shall be submitted for approval under the special approval process, except in the instance of any project on lands owned, leased, or operated by the Manatee County Port Authority. The area designated under the CEA 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 CEA District, except where policies associated with the CEA Overlay conflict with such goals, objectives, and policies. In this event, policies associated with the CEA Overlay shall override other goals, objectives and policies.

Policy: 2.2.2.4.5

Development Restrictions/conditions:

- a) Prohibit any amendment to the Future Land Use Map which would result in an increase in allowable residential density on sites within the Coastal Evacuation Area.

Policy: 2.2.2.5

CHHA: Establish the Coastal High Hazard Area Overlay District as follows:

Policy: 2.2.2.5.1

Definition: The geographic area below the Category 1 storm surge line as established by a Sea, Lake, and Overland Surges from Hurricanes (SLOSH) computerized storm surge model, pursuant to applicable law, as updated on a periodic basis.

Policy: 2.2.2.5.2

Purpose:

- a) To limit population in the Coastal High Hazard Area Overlay District.
- b) To limit the amount of infrastructure, both private and public, within the CHHA Overlay District and thereby limit magnitude of public loss and involvement in mitigating for loss of private infrastructure to Manatee County residents.
- c) To, through exercise of the police power, increase the degree of protection of public and private property, and to protect the lives of residents within the CHHA, and reduce the risk of exposing lives or property to storm damage.
- d) To accomplish shoreline stabilization along coastal areas by limiting development activity which may adversely impact shoreline stability.
- e) To protect coastal water quality by reducing impervious surface along coastal areas, thereby reducing the risk of incomplete treatment of stormwater runoff before discharge into coastal waters.
- f) To encourage, establish, and maintain vegetative and special buffer zones, in order to maintain the capacity of natural vegetative communities in mitigating the negative effects of storm surge and tidal velocity, and the erosive effect of wave action.

Policy: 2.2.2.5.3

Applicable Goals, Objectives and Policies: Goals, objectives and policies pertaining to the CHHA Overlay District are contained under Objectives 4.3.1, 4.3.2, 4.4.2 and 4.4.3 of the Coastal Management Element. Compliance with all goals, objectives, and policies listed in this subsection, and with other applicable goals, objectives, policies, and development regulations is required for all activity within the CEA Overlay District.

Policy: 2.2.2.5.4

Effect on Mapping:

- a) Any project which is at least partially within the CHHA Overlay District shall be submitted for approval under the special approval process, except in the instance of any project on lands owned, leased, or operated by the Manatee County Port Authority. The area designated under the CHHA 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 CEA District, except where policies associated with the CHHA Overlay conflict with such goals, objectives, and policies. In this event, policies associated with the CEA Overlay shall override other goals, objectives and policies. The extent and coverage of the area designated as CHHA is an approximation, and is subject to a more precise determination on any project within, or proximate to, that area shown on the Future Land Use

Map as CHHA. At the time of review of any such project for issuance of any development order establishing total or partial development potential, evaluation of a pre-development topographic survey of the site shall be utilized to determine the extent of the CHHA District Overlay.

Policy: 2.2.2.5.5

Development Restrictions/conditions:

- a) Prohibit any amendment to the Future Land Use Map which would result in an increase in allowable residential density on sites within the Coastal High Hazard Area.

Policy: 2.6.1.1

Require all adjacent development that differs in use, intensity, height, and/or density to utilize land use techniques to mitigate potential incompatibilities. Such techniques shall include but not be limited to:

- use of undisturbed or undeveloped and landscaped buffers
- use of increased size and opacity of screening
- increased setbacks
- innovative site design (which may include planned development review)
- appropriate building design
- limits on duration/operation of uses
- noise attenuation techniques
- limits on density and/or intensity [see policy 2.6.1.3]

Policy: 2.6.1.2

Require the use of planned unit development, in conjunction with the mitigation techniques described in policy 2.6.1.1, for projects where project size requires the submittal of a site development plan in conformance with the special approval process in order to achieve compatibility between these large projects and adjacent existing and future land uses.

Policy: 2.6.1.3

Require appropriate limits on net residential density to achieve compatibility between adjacent residential land uses. Limits on net density may reduce net density on a project, or part thereof, into less than the maximum net density associated with the future land use category or categories on the project site (see also policy 2.6.1.1).

Policy: 2.6.2.1

Limit location of new residential development and residential support uses adjacent to intensive and incompatible agricultural operations.

Objective: 2.9.1

Strong Communities: Create and maintain communities which are characterized by their:

- connection, integration, and compatibility with surrounding land uses,
- community spaces and focal points,
- protection of the natural environment,
- connection and integration of pedestrian, bicycle, and vehicular systems,
- usable open spaces, and public access to water features,

	<ul style="list-style-type: none"> - unifying design elements and features, - variety of housing stock, - pedestrian oriented structures, and pedestrian friendly design, - connection to recreational facilities, schools, adjacent neighborhoods, employment opportunities and commercial uses.
Policies: 2.9.1.1	Minimize the development of residential projects which create isolated neighborhoods.
Policy: 2.9.1.2	Promote the connection and integration of community pedestrian, bicycle, and vehicular systems to the larger county systems. (See also Obj. 3.3.3)
Policy: 2.9.1.3	Provide vehicular access between neighborhoods, particularly (but not exclusively) when part of a planned unit development containing more than one neighborhood.
Policy: 2.9.1.4	Encourage the development of a variety of housing options and architectural styles within a community. (See also Obj. 6.1.1)
Policy: 2.9.1.5	Promote the development of pedestrian friendly designs.
Policy: 2.9.1.6	Promote the use of unifying design elements and features.
Policy: 2.9.1.7	Encourage the development of community spaces, including usable open space and public access to water features.
Policy: 2.9.1.9	Require where feasible, pedestrian and bicycle access to community spaces, schools, recreational facilities, adjacent neighborhoods, employment opportunities, professional and commercial uses. (See also Obj. 3.3.3)
Objective 4.3.1:	Development Type, Density and Intensity: Limit development type, density and intensity within the Coastal Planning Area and direct population and development to areas outside of the Coastal High Hazard Area to mitigate the potential negative impacts of natural hazards in this area.
Objective 4.3.2:	Public Infrastructure in the Coastal Planning Area: Minimize public expenditures on infrastructure for new development within the Coastal Planning Area to limit replacement costs in case of damage from natural hazards.
Objective 4.4.2:	Hazard Mitigation: Create pre-disaster mitigation plans to reduce the risk to life and property from natural or man-made disasters.
Objective 4.3.2:	Post Disaster Recovery: Identify and prioritize cleanup and recover in the event of a major storm event to provide for quick recover in case of a natural disaster.