

B.O.C.C. 9/4/2014

**PDMU-12-04(P) – THE PRESERVE AT WALDEN LAKE dba ROYAL PALM
TOWNHOUSES (DTS#20140115)**

An Ordinance of the Board of County Commissioners of Manatee County, Florida, regarding land development, approving a Preliminary Site Plan for 216 multi-family units, a clubhouse, gym, garage, maintenance and storage buildings, and a mail kiosk building on approximately 38.49 acres zoned PDMU (Planned Development Mixed Use). The site is on the east side of US 301, and west side of 33rd Street East, approximately 1,008 feet south of S.R.70, Bradenton; subject to stipulations as conditions of approval; setting forth findings; providing a legal description; providing for severability, and providing an effective date.

If approved, this request will supersede all previous Final Site Plan approvals.

P.C.: 08/14/2014

B.O.C.C.: 09/04/2014

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** Preliminary Site Plan PDMU-12-04(P) with Stipulations A.1-A.7, B.1-B.3, and C.1-C.5; **GRANT** Special Approval for a project: 1) adjacent to a perennial stream and 2) exceeding a net density of nine dwelling units per acre in the RES-9 Future Land Use Category (FLUC); **ADOPT** the Findings for Specific Approval; and **GRANT** Specific Approval for an alternative to LDC Section 714.8.7 (tree replacement sizes) and 715.3.2-#2 (chain link fence), as recommended by the Planning Commission.

(COMMISSIONER DISABATINO)

PLANNING COMMISSION ACTION:

On August 14, 2014, by a vote of 7 – 0, the Planning Commission recommended approval.

PUBLIC COMMENT AND CORRESPONDENCE:

The following people spoke at the August 14, 2014 Planning Commission public hearing:

William Wheeler stated that 33rd Street is a truck route and traffic is heavy at certain times of the day, there are 17 (unconfirmed) different school bus stops on 33rd Street between SR 70 and 63rd Avenue, he would like to make this a non-passing road because people are passing in the turn lanes and he doesn't want the inter-neighborhood tie to come through in the future.

Michael Mehan, a resident of Briarwood, said his property backs up to subject property, Nature Trail is in buffer he would like the trail moved out of the buffer, like buffer to remain to cut down on light and noise pollution from development, request wall from end of fence to end of the property to help alleviate people going through area, like to see the Australian Pines cut down as they are a hazard, regarding school bus stops there are significant delays due to multiple buses stopping on 33rd, the applicant/owner/developer has been receptive to concerns and he also thanked staff.

Timothy Fulton stated he would like a 100 foot buffer in front of the property, traffic is bad please reduce speed limit from 40 to 35 mph and buildings are too tall instead of 3 stories please make two stories.

Kent Geartz, stated he owns the property south of subject property, amount of units is too high, height of buildings too high, concerned about the wall, more should be done about separation in buffer for privacy, he was understanding the entire project was to be fenced in and he would also like to be able to hook into the sewer from his property at his cost.

Public Comment letters were entered into the record at the August 14, 2014 Planning Commission public hearing.

PROJECT SUMMARY	
CASE#	PDMU-12-04(P) dts#20140115
PROJECT NAME	The Preserve at Walden Lake dba Royal Palm Townhouses
APPLICANT(S):	Royal Palm LLC
ADDRESS:	Not Yet assigned
EXISTING ZONING:	PDMU (Planned Development Mixed Use)
FUTURE LAND USE CATEGORY:	RES-9 (Residential, nine dwelling units per acre)
ACREAGE:	38.49± acres
PROPOSED USE(S):	216 multi-family units
CASE MANAGER:	Stephanie Moreland
STAFF RECOMMENDATION:	APPROVAL
DETAILED DISCUSSION	
<p>The site is a part of a planned development mixed use project that received General Development Plan [PDMU-99-06(Z)(G)] approval in 1999. The 1999 plan included Sam's Wholesale Club and Sabal Cove Apartments. At that time, the subject site was approved for 80 senior housing units and a 126 bed group care home (= 21 units). The 101 dwelling units were not constructed and the General Development Plan expired.</p> <p>In 2006, the Board of County Commissioners granted Preliminary Site Plan approval for 74 single-family attached residences on the subject parcel. The approved Final Site Plan expires on 12/14/2014. Staff recommends a stipulation with the current request repealing prior final site plan approvals.</p> <p>In 2012, the Board of County Commissioners granted General Development Plan [PDMU-12-04(G)] approval for 216 multi-family units. According to LDC Section 508.8.1.1, there is no expiration date for the 2012 General Development Plan approval.</p>	

Stipulation A.7 of the General Development Plan requires the Preliminary Site Plan to be approved by the Board of County Commissioners.

The current request is for approval of a Preliminary Site Plan for a 216 unit multi-family project with associated accessory structures on the forested 38.49± acre site which has approximately 1,073± feet of frontage along 33rd Street East.

The site is in the RES-9 (Residential, nine dwelling units per acre) FLUC. This FLUC allows consideration of suburban or urban planned residential development with integrated residential support uses in its range of potential uses. The proposed gross density of 5.61 dwelling units per acre is consistent with the RES-9 FLUC. Special Approval is required for a net density (15.36 dwelling units per acre) exceeding nine dwelling units per acre.

The one-phased project will consist of nine three-story buildings which are divided into four building types shown in the table below:

Building Types	# of Buildings	# of Units	# of Stories	Building square footage
A	2	30 each = 60	3	8,807
B	5	24 each = 120	3	9,805
B.5	1	12	3	4,903
C	1	24	3	12,262
Total	9	216		
	Square footage	# of stories		
Clubhouse	1,582	1		
Gym	1,582	1		
Mail Kiosk	600	1		
Maintenance	900	1		
Storage	2,000	1		
Garage	3 - 2,318	1		

The minimum residential unit size is 706 square feet.

The project has one main entrance connecting 33rd Street East. The southern access is a full emergency access, allowing residents and visitors egress only. There are no inter-neighborhood ties proposed. U.S. 301 is a limited access facility so no access is proposed to U.S. 301.

The Transportation Planning Division reviewed the Traffic Impact Analysis (TIA) and found it indicated no level of service deficiencies at studied intersections and roadway segments. No off-site concurrency-related improvements are required.

0.24± acres are proposed for recreational amenities.

The site has 2.06± acres of wetlands. No impacts to the wetlands are proposed.

Though staff shares some compatibility concerns (relative to building mass and scale) with this project locating adjacent to a single-family residence on agricultural property (south of the site), these concerns are not to the degree that the project can be found to be incompatible with existing development patterns and zoning of nearby properties. This parcel is bordered to the north by a similar multi-family use. Farther north are commercial uses along S.R. 70 and to the south, east, and west are residential uses.

The Preliminary site Plan shows a seven-foot tall opaque wall will be installed along the north side of the 50-foot wide buffer to the south, separating the adjacent residence on agricultural property. The applicant requests Specific Approval for the use of chain fencing along the remainder of the southern boundary.

Staff recommends approval with stipulations.

SITE CHARACTERISTICS AND SURROUNDING AREA	
GENERAL LOCATION:	East side of US 301 and west side of 33 rd Street East, 1,008 feet south of SR 70.
EXISTING USE(S):	Vacant
DENSITY:	5.61 gross – 15.36 net
SPECIAL APPROVAL:	<ol style="list-style-type: none"> 1. Project adjacent to a perennial stream 2. Project exceeding a net density of nine dwelling units per acre in RES-9 FLUC.
SPECIFIC APPROVAL:	<ol style="list-style-type: none"> 1. Reduced tree replacement sizes 2. Chain link fence
OVERLAY DISTRICT(S):	None
SURROUNDING USES & ZONING	
NORTH	Multi-family residences (Sabal Cove) zoned PDMU
SOUTH	Single-family residence zoned A-1 and single-family residences in Briarwood Subdivision zoned PDR
EAST	Vacant land and residences zoned RDD-6, A-1, RSF-3 and RSF-6.
WEST	U.S. 301

SITE DESIGN DETAILS				
MINIMUM UNIT SIZE(S):	706 sq. ft.			
OPEN SPACE:	70% or 27.02± acres provided; 25% (9.6± acres required).			
MAXIMUM HEIGHT:	35 feet			
RECREATIONAL AMENITIES:	Pool, clubhouse, gym, and basketball half court			
RECREATIONAL ACREAGE:	0.24± acres			
ACCESS:	One entrance connecting 33 rd Street East and emergency entrance.			
FLOOD ZONE(S)	A and X - Panel 12081C 009E (rev. 3/17/14)			
HURRICANE EVACUATION CATEGORY	Levels D & E			
AREA OF KNOWN FLOODING	Yes			
UTILITY CONNECTIONS	36" water main and 6" sewer force main			
ENVIRONMENTAL INFORMATION				
Overall Wetland Acreage:	2.06± acres			
Proposed Impact Acreage:	None			
NEARBY DEVELOPMENT				
RESIDENTIAL				
PROJECT	LOTS / UNITS	DENSITY/d.u.per acre	FLUC	YEAR APPROVED
Briarwood, Phases 1 & 2	128 lots	2.9	RES-6	1988
Briarwood Phase 3	48 lots	3.2	RES-6	1997
Sabal Cove Apt.	242 units	6.9	RES-9	2001
Wal-Mart	188,212 sq.ft.	N/A	ROR	1998
Sam's Wholesale Club	132,000 sq.ft	N/A	ROR	2002

POSITIVE ASPECTS
<ul style="list-style-type: none">• The surrounding area is a mix of residential, commercial, and industrial uses.• The design shows 70% open space will be provided.• The site may be considered an appropriate infill residential use.
NEGATIVE ASPECTS
<ul style="list-style-type: none">• There is potential for increased traffic volumes along 33rd Street East.• The Preliminary Site Plan shows only one main access for ingress and egress for more than 100 units.• Mass and scale of the proposed buildings are significantly larger than surrounding residential single-family uses.
MITIGATING MEASURES
<ul style="list-style-type: none">• There is a full emergency access to the south, which will also allow residents and visitors egress only.
STAFF RECOMMENDED STIPULATIONS
<p>A. <u>DESIGN AND LAND USE CONDITIONS:</u></p> <ol style="list-style-type: none">1. Any gates or emergency access points within the project shall be accessible to emergency providers by either a remote control or siren activated system in accordance with Manatee County Ordinance 04-30. Prior to Final Site Plan approval, the applicant shall receive written approval from EMS and the Fire Marshal approving the proposed system.2. The entrance to the south shall be utilized as a full emergency access and a means of egress for residents and visitors.3. The design of the buildings shall be in substantial conformance with the elevations presented at the Planning Commission and Board of County Commission hearings. A design alternative may be approved administratively upon the applicant submitting building elevations to the satisfaction of the Building and Development Services Department Director, demonstrating the intent of the PDMU District is satisfied to an equal or greater degree.4. There shall be no pedestrian or vehicular access connection to the existing inter-neighborhood tie to Briarwood Subdivision to the south.

5. All other applicable state or federal permits shall be obtained before commencement of the development.
6. The approval of this Preliminary Site Plan supersedes all other previous final site plan approvals.

(Added at Planning Commission)

7. A meandering fence shall be placed in the 50-foot wide buffer connecting to the west side of the proposed wall and extending westward to the western boundary of the site. The fence is to be placed as north as possible, yet south of the walking trail, with maximum cooperation with neighbors.

B. STORMWATER CONDITIONS:

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. Modeling shall be used to determine pre- and post- development flows.
2. Any fill within the 100-year floodplains of the Collins Dairy Drain shall be compensated by the creation of an equal or greater storage volume above seasonal high water table. 100-year floodplain compensation shall be compensated in sole use compensation areas, not dual use facilities (i.e., stormwater attenuation and floodplain compensation).
3. A Drainage Easement shall be dedicated to Manatee County and be shown on the Final Site Plan along Collins Dairy Drain within the project boundaries. In addition, a twenty-five (25) foot wide Drainage-Maintenance Access Easement shall be provided along the south side of the drain. Drainage-Maintenance Access Easements shall be on clear and level ground, free of obstructions including landscaping. Landscaping/Greenbelt Buffers shall be located outside of the Drainage-Maintenance and Access Easement. Manatee County is only responsible for maintaining the free flow of drainage through these systems.

C. ENVIRONMENTAL CONDITIONS:

1. The developer shall provide an updated study, consistent with Policy 3.3.2.3 of the Comprehensive Plan, for threatened and endangered plant and animal species prior to Final Site Plan approval.
2. Existing native vegetation located within any required landscape buffer shall be preserved to the greatest extent possible. There shall be no new overhead or underground power lines, swales, or stormwater facilities within any proposed landscape buffer containing desirable native vegetation with the exception of limited crossings.

3. Tree barricades for trees to be preserved shall be located at the drip line, unless approved by the Environmental Planning Division. The drip line shall be defined as the outer branch edge of the tree canopy. The area within the drip line shall remain undisturbed. The following activities are prohibited within the drip line of preserved trees: machinery and vehicle travel or parking; underground utilities; filling or excavation; storage of construction materials. Tree protection methodology shall be approved with the Final Site Plan.
4. A Construction Water Quality Monitoring Program and proposed sampling locations are required to be included in the ESCP information on the Final Site Plan in accordance with Section 519 of the LDC.
5. If wells are located on-site a Well Management Plan for the proper protection and abandonment of existing wells shall be submitted to the Environmental Planning Division for review and approval prior to Final Site Plan approval. The Well Management Plan shall include the following information:
 - Digital photographs of the well along with nearby reference structures (if existing).
 - GPS coordinates (latitude/longitude) of the well.
 - The methodology used to secure the well during construction (e.g. fence, tape).
 - The final disposition of the well - used, capped, or plugged.

REMAINING ISSUES OF CONCERN – NOT RESOLVED OR STIPULATED

All issues raised by staff and the reviewing agencies have been resolved.

COMPLIANCE WITH LDC

Standard(s) Required	Design Proposal	Compliance		Comments
		Y	N	
BUFFERS				
20' roadway buffer along 33 rd Street East & US 301	Shown	Y		
15' perimeter buffers	20' & 50' shown	Y		50' buffer to the south includes the preservation of existing trees.
Buffer landscaping	Shown	Y		
SIDEWALKS				
5' internal sidewalks	Shown	Y		
5' sidewalk, exterior	Shown	Y		
ROADS & RIGHTS-OF-WAY				
24' paved driveways	Shown	Y		
Inter-neighborhood Ties	None	Y		

**COMPLIANCE WITH THE LAND DEVELOPMENT CODE
Factors for Reviewing Proposed Site Plans (Section 508.6)
Planned Districts - Review Criteria (Section 603.4)**

Physical Characteristics:

Collins Dairy Drain, a perennial stream, traverses the northern part of the site from east to west. The site is in Flood Zone A and X per FIRM Panel 12081C 009 E, revised 3/17/14.

A Conditional Letter of Map Revision based on Fill (CLOMR-F) was approved by FEMA January 5, 2006. The letter states that if built as proposed, the 15 buildings would be in Zone X (shaded), the 500-Year Floodplain (0.2% chance flood). The CLOMR-F applies to the buildings only. The Base Flood Elevation was determined to be 16' by approximate methods.

Nine (9) buildings are now proposed. A Letter of Map Revision based on Fill (LOMR-F) shall be applied for and approved by FEMA.

Public Utilities, Facilities and Services:

There is a 6" water main and an 8" force main available on the east side of 33rd St. E. There is a 30" reclaim main at the intersection of 33rd St. E. and 56th Ter. E.

Compatibility:

This segment of S.R.70 has experienced rapid growth in the last decade with a mix of commercial, residential, and industrial uses. This site presents unique challenges as an infill project between commercial uses, an arterial roadway, and a variety of residential densities and unit types. Planned development is appropriate for orderly development of the community because it can be designed to be compatible with the surrounding developments and zoning districts and provide for transition between dissimilar uses.

Adjacent Property:

This parcel is bordered to the north by Sabal Cove Apartments a multi-family use. Further north are commercial uses along S.R. 70. South of the site is Briarwood Subdivision and a single-family residence on agriculturally zoned property. To the south and east are residential uses. The western boundary of the site abuts U.S. 301.

Transitions:

The site is a part of a PDMU project that received General Development Plan (PDMU-99-06(Z)(G) approval in 1999. The 1999 site plan included Sam's Wholesale Club and Sabal Cove Apartments. At that time, the subject site was approved for 80 senior housing units and a 126 bed group care home (= 21 units). The 101 dwelling units were not constructed and the General Development Plan expired.

The adjacent Sabal Cove Apartments was approved at a density of 6.9± dwelling units per acre. The current project proposes a density of 5.61 dwelling units per acre. The existing Briarwood Subdivision to the south averages a density of 3.05± dwelling units per acre. Therefore, staff believes that the proposed planned development project provides transition between the commercial uses to the north and residential uses to the south. To separate the residence on agricultural property, the site plan shows a seven-foot high opaque fence and a 50-foot wide landscaped buffer will be installed along the southern boundary.

Design Quality:

The proposed Preliminary Site Plan requires review of potential uses and their intensity. The Preliminary Site Plan shows nine, three-story buildings with associated parking facilities. Building types and units are shown in the table below:

Building Types	# of Buildings	# of Units
A	2	30 each = 60
B	5	24 each = 120
B.5	1	12
C	1	24
Total	9	216

A maintenance building, 80 storage units, and three detached garages are shown on the Preliminary Site Plan.

Height:

The Preliminary Site Plan indicates a maximum building height of 35 feet.

Yards and Setbacks:

The proposed minimum setbacks for the project are shown in the chart below:

Yard Type	Minimum Setback
33 rd St. E.	40 feet
Interior Drive Aisles	15 feet
Southern Boundary	109 feet
Between buildings	30 feet
Water	30 feet
Wetland buffer	15 feet

Streets, Drives, Parking and Service Areas

No new streets are proposed. According to the site plan, 24-foot wide internal driveways are designed to loop around the structures, allowing vehicular access and parking to each building. The driveways will connect two gated entrances which provide access to 33rd Street East. The northern entrance will allow ingress and egress. The access to the south is an

emergency vehicle entrance. Residents and visitors will be allowed to utilize this gated access for egress only. In addition, there is also a 20-foot wide paved access road for maintenance and emergency fire and rescue circulation within the project. The fire department has issued a letter of approval for the Preliminary Site Plan. There are no inter-neighborhood ties proposed. No access is proposed to U.S. 301, a limited access facility.

LDC Figure 710.1.6, requires two parking spaces per dwelling unit plus one parking space per ten units for guest parking. For 216 units, 432 parking spaces are required plus 22 parking spaces for guest parking (total 454 parking spaces). A five percent reduction (23 parking spaces) is permitted for bicycle parking. A total of 435 parking spaces are required, including four parking spaces for the clubhouse. The Preliminary Site Plan indicates 435 parking spaces will be provided.

Pedestrian Systems:

Five-foot wide sidewalks exist along the west side and segments of the east side of 33rd Street East. Further review of the pedestrian system will be addressed with future Preliminary and Final Site Plans.

Natural and Historic Features, Conservation and Preservation Areas:

The site has 2.06± acres of wetlands. No impacts to the wetlands are proposed. There are no known historic or archaeological resources. 70% open space is proposed. The 50-foot buffer to the south includes the preservation of existing trees.

Density:

A gross density of 5.61 dwelling units per acre is below the required density threshold for the RES-9 FLUC. Special Approval is required for a net density exceeding nine dwelling units per acre in RES-9 FLUC. Special Approval was granted with the General Development Plan.

Fences and Screening:

The site plan indicates a seven-foot high opaque wall will be installed along the north side of the 50-foot wide buffer to the south, separating the single-family residence on agricultural property.

Trash and Utility Plant Screens:

Section 728 of the Land Development Code requires all residential units to have individual can and recycling waste hauler.

Signs:

Signs will be reviewed at Building Permit stage.

Landscaping:

According to the Preliminary Site Plan, a 20 and 25-foot wide landscaped roadway buffer is proposed along 33rd Street East and U.S. 301 respectively. The perimeter buffer to the south is indicated to be 50-foot wide with existing tree groupings. There will be perimeter and interior landscaping around buildings and vehicle use areas. Landscaping will be in accordance with LDC Sections 714 and 715.

Open Space:

25% (9.6± acres) of open space is required. 70% (27± acres) is provided.

COMPLIANCE WITH COMPREHENSIVE PLAN

The site is in the RES-9 Future Land Use Category. A list of Comprehensive Plan Policies applicable to this request is attached. This project was specifically reviewed for compliance with the following policies:

Policy 2.1.2.7 Appropriate Timing. The timing is appropriate given development trends in the area. The surrounding area is characterized by a mix of commercial, residential and industrial uses.

Policy 2.2.1.13.1 Intent. The site is intended for a low-moderate urban, or clustered moderate density urban residential environment, Also, to provide for a complement of residential support uses normally utilized during the daily activities of residents of urban areas. The proposed gross density of 5.61 is below the Special Approval threshold (6 dwelling units) in the RES-9 FLUC. However, a net density of 16.18 requires Special Approval because it exceeds the threshold of nine dwelling units per acre in RES-9 FLUC.

Policy 2.2.1.13.2 Range of Potential Uses. 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.

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

Policy 2.6.2.7 Require Clustering to Limit Impacts. The site design avoids any impacts to wetlands.

Policy 3.3.2.2 Preservation of Upland Habitat. With staff recommendations the project will comply.

TRANSPORTATION

Major Transportation Facilities

The site is adjacent to 33rd Street East which is designated as a two lane collector on the Comprehensive Plan's Future Traffic Circulation Map and has a required right of way of 84 feet.

Transportation Concurrency

Transportation Concurrency was evaluated for the project. The applicant prepared a Traffic Impact Analysis (TIA) to determine impacts on 33rd Street East and associated intersections near the project site. The results of the TIA (reviewed and approved by the Transportation Planning Division) indicated that there are no level of service deficiencies at studied intersections and roadway segments. The TIA indicated no off-site concurrency-related improvements are required for the project (see Certificate of Level of Service compliance table below).

Access

The site will have access via 33rd Street East. The TIA included evaluation of two access points to determine the need for any site-related improvements. Based on the analysis, staff found the following site-related improvements are required.

1. Prior to the issuance of the first Certificate of Occupancy, construct a northbound left-turn lane at the north project access on 33rd Street East. The northbound left-turn lane shall be 265 feet total length (25 feet storage length plus 240 feet deceleration and taper length) and constructed in accordance with FDOT Design Standards (Index 301).
2. Prior to the issuance of the first Certificate of Occupancy, construct a southbound right-turn lane taper at the north project access on 33rd Street East. The southbound right-turn lane taper shall be a 105 foot long straight line taper from the northern radius of the northern driveway for a 50 mph design speed per Figure 3-13 of the Florida Greenbook 50 feet total length and constructed in accordance with FDOT Design Standards (Index 301).

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
33 rd Street East	Link 1530	D	D*
*Future LOS includes programmed improvements to the 33 rd St. E./63rd Ave. E. Intersection			
OTHER CONCURRENCY COMPONENTS			
Solid Waste landfill capacity, parks, 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.			
SPECIAL APPROVAL- ANALYSES, RECOMMENDATIONS, FINDINGS			
<p>Manatee Comprehensive Plan defines Special Approval as a development order review and approval process entailing, at a 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 option for appeal to the BOCC.</p> <p>Special Approval is required for:</p> <ol style="list-style-type: none"> 1) A project adjacent to a perennial stream; <p style="margin-left: 40px;">The design of the project avoids the Collins Dairy Drain, a stream which runs northwest and northeast across the site. All of the buildings are situated south of the stream. There are no adverse impacts from the proposed stormwater ponds which are designed to retain runoff from the development.</p> 2) A project exceeding a net density of nine dwelling units per acre. The site plan indicates a net density of 15.36 dwelling units per acre. The site meets the intent of the RES-9 FLUC which allows a maximum net density of 16 dwelling units per acre. The site is in an area where there is availability of services. Water and sewer are available. <p>The planned development process allows the Board of County Commissioners to approve stipulations to ensure compatibility with surrounding zoning and land uses and address any specific issues related to the development.</p>			

The evaluation in the staff report represents a true evaluation of the proposed design for potential impacts on natural resources, adjacent land uses and public facilities.

FINDING FOR SPECIAL APPROVAL

The Board finds that the purpose of the Special Approval regulation is satisfied by the analysis provided in the staff report and proposed design which indicates the proposed project will have no significant detrimental impacts on natural resources, adjacent land uses or public facilities.

SPECIFIC APPROVAL – ANALYSES, RECOMMENDATIONS, FINDINGS

1. Request:

LDC 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 size trees typically establish and grow faster. Therefore, they provide more tree canopy sooner. The LDC is slated to reflect the smaller replacement tree sizes with the upcoming amendment to Section 714 – Tree Protection.

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:

LDC Section 715.3.2 - #2 does not allow chain link fences for screening. The applicant requests the use of a six-foot high chain link fence in the southern buffer.

Staff Analysis and Recommendation:

Staff supports the request for a chain link fence in the southern boundary of the project. According to the applicant, the purpose of the fence is for security reasons. The fence will be coated dark green or black and is expected to meander through the 50-foot wide buffer to avoid existing trees, vegetation and conservation areas.

Finding for Specific Approval:

Notwithstanding the failure of this plan to comply with the requirements of LDC Section 715.3.2 - #2, the Board finds that the purpose of the LDC regulation is satisfied to an equivalent degree by the proposed design because the chain link fence will provide security.

ATTACHMENTS

- 1. Applicable Comprehensive Plan Policies**
- 2. Traffic Impact Analysis**
- 3. Copy of Newspaper Advertising**
- 4. Ordinance PDMU-12-04(P)**
- 5. Public Comments**

APPLICABLE COMP PLAN POLICIES

Policy: 2.1.2.5	Permit the consideration of new residential and non-residential development in areas which are currently undeveloped, which are suitable for new residential or non-residential uses.
Policy: 2.1.2.7	<p>Review all proposed development for compatibility and appropriate timing. This analysis shall include:</p> <ul style="list-style-type: none">- 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: 2.2.1.13	RES-9: Establish the Residential-9 Dwelling Units/Gross Acre future land use category as follows:
Policy: 2.2.1.13.1	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 low-moderate urban, or clustered 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 urban areas.

Policy:	2.2.1.13.2	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:	2.2.1.13.3	<p>Range of Potential Density/Intensity:</p> <p>Maximum gross residential density: 9 dwelling units per acre</p> <p>Minimum Gross Residential Density: 7.0 only in CRA's and UIRA for residential projects that designate a minimum of 25% of the dwelling units as "affordable housing".</p> <p>Maximum net residential density: 16 dwelling units per acre</p> <p>20 dwelling units per acre within the CRA's and 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 2.3.1.5 and 4.3.1.5)</p> <p>Maximum Floor Area Ratio: 0.23 (0.35 for mini-warehouse uses) 1.00 inside the CRA's and UIRA</p> <p>Maximum Square Footage for Neighborhood Retail Uses: Medium (150,000sf)</p>
Policy:	2.2.1.13.4	<p>Other Information:</p> <p>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.</p> <p>b) All projects for which gross residential density exceeds 6 dwelling units per acre, or in which any net residential density exceeds 9 dwelling units per acre shall require special approval.</p>

- c) Any nonresidential project exceeding 30,000 square feet of gross building area shall require special approval.
- d) Professional office uses not exceeding 3,000 square feet in gross floor area within this category may be exempted from compliance with any locational criteria specified under Policies 2.10.4.1 and 2.10.4.2, provided such office is located on a roadway classified as a minor or principal arterial, however, not including interstates, and shall still be consistent with other commercial development standards and with other goals, objectives, and policies in this Comprehensive Plan (see also 2.10.4.2).

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]

Implementation Mechanism(s):

- a) Maintain setback, screening, buffering, and other appropriate mitigation techniques in land development regulations.
- b) Planning Department review of development approvals to ensure policy compliance.

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.
		Implementation Mechanism:
		a) Land development regulations consistent with this policy.
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.
		Implementation Mechanism(s):
		a) Planning Department review of proposed rezones and appropriate site plans submitted for new residential development adjacent to existing agricultural operations or to Ag/R Future Land Use Category for consistency with this policy and with policy 2.6.1.1.
		b) Planning Department review of residential support uses for consistency with policy 2.6.1.1. [See policy 2.13.2.1]
Policy:	3.3.2.2	Require the preservation of native upland habitat during land development activities through the following strategies:
		(1) Maintenance of areas of non-exotic vegetation, or viable portions thereof, on any project site, especially when such area or viable portions of areas, are part of larger upland habitats which may extend beyond the boundaries of the development site;
		(2) Encourage increased preservation of native upland habitat by providing incentives, including but not limited to:
		(a) Transfer of density/intensity out of preserved native upland habitat

(b) reduced lot sizes and setbacks

(c) consideration of increased building height when native upland preservation provides additional buffering and screening

- (3) Removal of all nuisance exotic plant species from upland development sites during construction unless Special Approval is granted.
- (4) Designation of upland preservation areas at time of general development plan, preliminary site plan, preliminary plat, or other preliminary development plan or similar approval.
- (5) Manatee County shall consider habitat size, adjacency to other natural areas, and habitat value when reviewing site development plans for uplands preservation.