B.O.C.C. 11/17/98

PDR-98-08(P) - SMUGGLER'S LANDING

Request: Approval of a Preliminary Site Plan to add two multi-family buildings (10 units) to the existing Smuggler's Landing Condominiums. Located on 128th and 129th Street West. Present zoning is PDR/CH (Planned Development Residential/Coastal High Hazard Overlay District) (±7.9 acres).

App Received:	**05/14/98**	**D.R.C.:**	**09/22/98**
P.C.:	**11/05/98**	**B.O.C.C.:**	**11/17/98**

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 No. PDR-98-08(P) with Stipulations #1 through #5; and GRANT Special Approval for a project within the Coastal Storm Vulnerability Area (CSVA) and Coastal Evacuation Area (CEA).

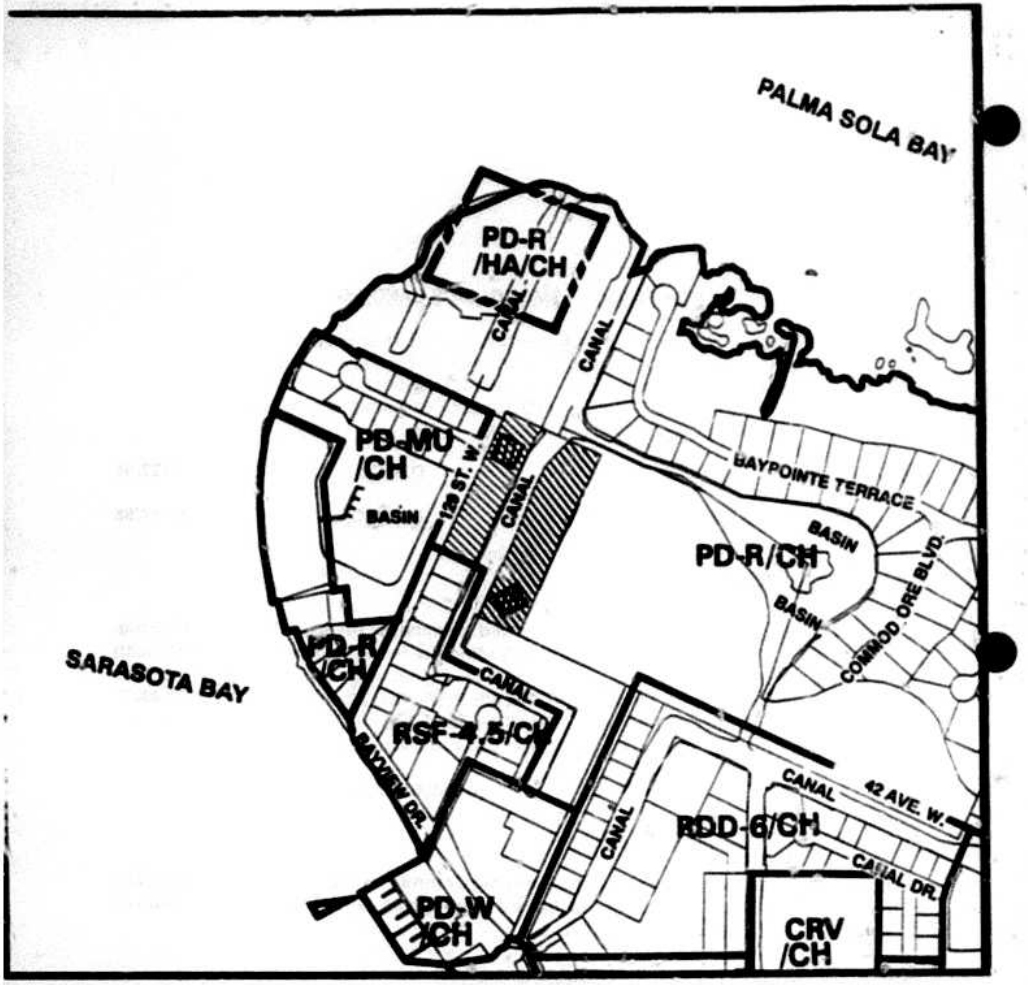
(COMMISSIONER STEPHENS)

PLANNING COMMISSION ACTION:

On November 5, 1998, by a vote of 6-0, the Planning Commission recommended APPROVAL of the Preliminary Site Plan with Stipulations #1 through #5, GRANTING Special Approval for a project within the CSVA and CEA.

PUBLIC HEARING COMMENTS/CORRESPONDENCE

There was no public comment at the November 5, 1998 Planning Commission public hearing.



Project Number:	PDR-98-08(P)	Tax I.D.:	760850005
Proposed Use:	CONDOS		760230205
Existing FLUC:	RES-9/CH		
Existing Zoning:	PD-R/CH		
Proposed Zoning:	N/A		
Acreage:	7.9		
Flood Zone:	A13		
Drainage Basin:	N/A		
Commissioner:	STEPHENS		
Map Prepared:	6/16/98		
Requested By:	SMUGGLERS LANDING CONDO. ASSOCIATION		

Section: 3 Township: 35 Range: 16

Manatee County Staff Report Map

1 inch = 460'

Proposed Units

Subject Property

CASE SUMMARY

CASE NO.: PDR-98-08(P)

APPLICANT: Smuggler's Landing

REQUEST: Approval of a Preliminary Site Plan to add two additional multi-family buildings (10 units) to the existing Smuggler's Landing Condominiums.

STAFF RECOMMENDS: APPROVAL with Limited Issues

REQUEST, LOCATIONAL INFORMATION, AND LAND USE CHARACTERISTICS

- Approval of a Preliminary Site Plan to add two additional multi-family buildings (10 units) to the existing Smuggler's Landing Condominiums. The ±4.6 acre property is located on 128th and 129th Street West in the Cortez area.
- To the NORTH is multi-family residential (Mariner's Cove) zoned PDR/CH.
- To the SOUTH is single-family residential zoned RSF-4.5.
- To the EAST is vacant property zoned PDR/CH.
- To the WEST is an inlet and boat docks zoned PDR/CH.

SUMMARY: (JPO)

The request is for approval of a Preliminary Site Plan to allow 10 additional multi-family units (2 additional multi-story buildings - Buildings #1 and #6) to be added to Smuggler's Landing Condominiums. The project was previously approved in 1983 (Case # PDR-83-3) and the site plan approval has expired. Prior to expiration, five buildings were constructed (26 units). The 1983 approval included Buildings #1 and #6 in the same general location. However, the LDC now requires additional setbacks from wetlands (30' buffer) which were not required in 1983, pushing the buildings towards the street approximately 6'.

The project lies within the Coastal Evacuation Area (CEA) and Coastal Storm Vulnerability Area (CSVA) which require Special Approval according to the Manatee County Comprehensive Plan. Since the original approval of the development in 1983, the County generally directs development away from coastal areas. However, this is offset by the fact that this was part of an originally approved development, the

number of units are relatively small, and the development is considered infill of an existing highly developed area.

POSITIVE ASPECTS OF THE APPLICATION

- The proposed development is not in a FEMA Velocity Zone (V-Zone).
- The proposed number of units at this location (10) was previously approved in 1983 (PDR-83-3).
- The proposed development is considered infill development in an area with existing County services.

NEGATIVE ASPECTS OF APPLICATION

- The proposed development will increase residential density in the Coastal Storm Vulnerability Area (CSVA), Coastal Evacuation Area (CEA), and Coastal Planning Area (CPA).

MITIGATING FACTORS

- The stipulations will require the developer to submit a hurricane evacuation plan for the development.
- The proposed buildings will be a completion of the original development plan for the site.
- The overall density is 4.6 dwelling units per acre in the RES-9 FLUC.
- Buildings will be elevated above the 100-Year Floodplain elevation.

STIPULATIONS: (AS RECOMMENDED BY THE PLANNING COMMISSION)

1. Prior to Final Site Plan approval, the developer shall submit a hurricane evacuation plan to the Division of Emergency Management for review.
2. The buildings shall utilize essentially the same architectural design elements and building materials as to continue the design continuity of the development.

3. **A landscape and screening buffer shall be provided between recreation areas (clubhouse and tennis courts) and proposed buildings, per Section 715.5.1.3 of the L.D.C. (10 feet), installed prior to Certificate of Occupancy.**

4. **A Wetland Buffer Enhancement Plan shall be approved by EMD prior to Final Site Plan approval.**

5. **The applicant shall remove all exotic and nuisance plant species (e.g., Australian Pines, Brazilian Pepper, etc.) in the wetland buffer prior to Certificate of Occupancy.**

DETAILED CASE REVIEW

PRIMARY REVIEWERS

John Osborne (PD)	**Compatibility, Timing, Health, Safety and Welfare, Consistency with LDC and Comp Plan, Historic Resource Impacts, Site Design**
Al Wallace (PD)	**Impacts to Infrastructure (Public Utilities & Facilities)**
Husham Abduisattar (PD)	**Impacts to Infrastructure (Transportation, Concurrency)**
Bill O'Shea (EMD)	**Environmental Resource Impacts**

DETAILED STAFF REVIEW OF THE PLANNED DEVELOPMENT SITE PLAN STANDARDS PURSUANT TO SECTION 603.4 OF THE LAND DEVELOPMENT CODE

1. SITE DESIGN

The Preliminary Site Plan is for 2 additional multi-story buildings, 10 additional multi-family units (Buildings #1 and #6, 4 and 6 units respectively) to be added to Smuggler's Landing Condominiums. Smuggler's Landing was previously approved in 1983 with the proposed buildings. The previous Final Site Plan (Case # PDR-83-3) approval has since expired. The buildings are located on two different streets and separated by a canal. Building #1 is located east of 129th Street West, south of the existing clubhouse and pool, north of Building #2, and canal and boat docks to the east. Building #6 is located west of 128th Street West, with Building #7 to the north, tennis courts to the south, and the canal with boat docks to the west. Staff recommends a stipulation requiring an appropriate landscape buffer between the recreation areas (tennis courts and clubhouse) and buildings #1 and #6, per Section 715.5.1.3 of the L.D.C. (10 feet).

The 1983 approval included Buildings #1 and #6 in the same general location. However, the LDC requires additional setbacks for wetlands (30' buffer) which was not required in 1983, pushing the buildings forward towards the street approximately 6'.

The buildings maintain the same basic footprint and height as the existing units. However, staff has concerns about the architectural design of the buildings. Staff recommends a stipulation requiring the proposed buildings to utilize essentially the same architectural design elements and building materials to continue the design continuity of the development.

Access to Building #1 is provided to 129th Street West by two concrete drives which access parking areas underneath the building. Staff recommends a stipulation requiring an appropriate landscape buffer between the recreation area and proposed Building #1, per Section 715.5.1.3 of the L.D.C. (10 feet).

Access to Building #6 is provided to 128th Street West by two concrete drives which access parking areas underneath the building. Two additional spaces are located adjacent to the tennis courts on the south side of the building.

The existing clubhouse and pool adjacent to Building #1 on 129th Street West does not provide any parking spaces for residents, which were not required by the 1983 plan. Residents are currently parking in the vacant lot where Building #1 is proposed. Staff is not concerned about the residents on 129th not having parking spaces because of the short walking distance. However, the residents residing along 128th Street West must walk south, around the block then north on 129th since the canal is between their residences and the clubhouse and pool.

2. COMPATIBILITY

The buildings provide adequate transitioning and are generally compatible with the area. Both building sites are surrounded by multi-family residential units, recreation areas, and vacant property, as shown in the following aerial photograph taken in 1995. Building #1 is located on the east side of 129th Street West, with the clubhouse and pool on the north side, Building #2 on the south side, and the canal and boat docks to the east. Building #6 is located on the west side of 128th Street West, with Building #7 on the north side, tennis courts on the south side, and canal with boat docks to the west.

USGS Aerial Photo taken in 1995.

The proposed buildings will complete the original development plan for the development and will maintain approximately the same footprint and height as the existing units. Staff has concerns about the architectural design characteristics of the buildings and recommends a stipulation requiring the proposed buildings to utilize essentially the same architectural design elements and building materials as to continue the design continuity of the development.

3. PUBLIC UTILITIES/FACILITIES

The proposed buildings are located within the existing Smuggler's Landing multi-family development. The development is located in relation to existing transportation facilities and served by sanitary sewers, potable water, storm and surface water drainage systems, emergency services, and schools. Streets and drives within the development are privately maintained. Reclaimed water service is not yet available in this area.

4. PRESERVATION/CONSERVATION

There are no wells, or perennial streams within the boundaries of this site. The applicant is proposing a variable width wetland buffer for 2,322 square feet of buffer encroachments and has provided 2,703 square feet of buffer compensation. Dry retention area is located within the wetland buffers. A note on the plan indicates that compatible vegetation will be provided in retention areas lying inside the wetland buffer. Staff is recommending a stipulation requiring that the applicant provide a Wetland Buffer Enhancement Plan to be approved by EMD prior to Final Site Plan Approval.

5. CONCURRENCY

Applications for CLOS compliance for potable water, sanitary sewer, solid waste, transit, and traffic have been approved. Prior to Final Site Plan approval, the engineer or architect must provide documentation that fire flow and drainage design criteria have been met.

6. CONSISTENCY WITH THE COMPREHENSIVE PLAN

The proposed Preliminary Site Plan must be in strict compliance with the Manatee County Comprehensive Plan. The Comprehensive Plan designates the site RES-9. Ten additional multi-family residential units (2 buildings - 4 and 6 units respectively) are proposed within the RES-9 FLUC. Total development density will not exceed 6 units per acre (36 total units/7.9 acres = 4.6 units per acre), below the maximum density allowed. A Special Approval for this density is not required and the requested density maintains the intent of the Comprehensive Plan by limiting the density in the coastal areas. The following policies of the Comprehensive Plan were given consideration in preparing this staff report:

Policy 2.1.2.4, limits urban sprawl through the consideration of new development, when deemed compatible with existing and future development.

Policy 2.2.1.13, Establishes the Residential-9 Dwelling Units/ Gross Acre future land use category as follows:

Sub. Policy: 2.2.1.13.1, which identifies the intent of the RES-9 FLUC as areas which are established for a low-moderate urban, or clustered moderate density urban residential environment.

Sub. Policy: 2.2.1.13.2, which identifies a range of potential uses as suburban or urban residential uses including appropriate water-dependent/water-related/water-enhanced uses.

Sub. Policy: 2.2.1.13.3, identifies the range of potential density/intensity as a maximum gross residential density of 9 dwelling units per acre and a maximum net residential density of 16 dwelling units per acre (except within CSVA Overlay Districts).

Policy: 2.2.2.4, identifies the CEA as the Coastal Evacuation Area Overlay District and the following sub policies:

Sub. Policy: 2.2.2.4.1, defines the geographic area which lies within the evacuation area for a Category 1 hurricane as established by the Manatee County Emergency Management Division in conjunction with TBRPC.

Sub. 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 to 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.

Sub. Policy: 2.2.2.4.4 Effect of Mapping:

(a) Any project which is at least partially within the CEA Overlay District shall be submitted for approval under the special approval.

Policy 2.2.2.5, establishes the CSVA (Coastal Storm Vulnerability Overlay District) as follows:

Sub. Policy: 2.2.2.5.1, defines the CSVA as the geographic area which lies seaward of the 5 foot topographic contour, including all areas of known coastal flooding.

Sub. Policy: 2.2.2.5.2 Purpose:

(a) To limit population in areas most vulnerable to coastal storm events.

(b) To limit the amount of infrastructure, both private and public, within the CSVA 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 to public and private property, and to protect the lives of

residents within the CSVA, 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 spatial 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.

Sub. Policy: 2.2.2.5.4 Effect of Mapping:

(a) Any project which is at least partially within the CSVA Overlay District shall be submitted for approval under the special approval process.

Objective 2.6.2, which addresses residential compatibility/transition as residential uses compatible with adjacent residential and nonresidential uses.

Policy 2.9.4.4, protects natural waterfront vistas as a defining characteristic of Manatee County.

Policy 3.3.1.1, prohibits removal, alteration, or encroachment within wetlands except in cases where no other practical alternatives exist that will permit a reasonable use of the land or where there is an overriding public benefit.

Policy 3.3.1.2, requires that the extent of wetland areas on any proposed development or redevelopment site be identified on a signed-and-sealed wetlands delineation at time of preliminary site plan, plat, or other development plan or similar approval.

Policy 3.3.1.3, requires that when development related impacts are unavoidable (see policy 3.3.1.1), all development-related impacts to wetlands be mitigated. Encourage restoration, or, when restoration is not feasible, accept wetlands creation.

Policy 3.3.1.5, protects all wetlands from land development activities by requiring the establishment of natural area buffers adjacent to all post-development wetlands, except upland cut ditches in non-hydric soils.

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 Storm Vulnerability Area to mitigate the potential negative impacts of natural hazards in this area.

Policy 4.3.1.1, directs population concentrations away from the Coastal Evacuation Area (CEA).

Policy 4.3.1.2, limits the density of new residential development within the FEMA Velocity-Zone to a maximum of three dwelling units per gross acre or to the maximum density shown on the Future Land Use Map for the area within the V-Zone, whichever is less. Any reduction in residential development potential within the FEMA Velocity-Zone resulting from the limit of 3 du/ga within that area may be re-captured on the subject site in areas outside of the CSVA where consistent with other provisions of this Comprehensive Plan.

Policy 4.3.1.5, maximizes the clustering of uses in the Coastal Storm Vulnerability Area.

Policy 4.3.1.8, maintains the minimum construction setback line for all areas of the Coastal Planning Area which have not been delineated for a Coastal Control Construction Line.

Policy 4.4.2.1, requires that all project approvals within the Coastal Evacuation Area meet performance standards as described in detail in land development regulations and which may include:

- **procedures for development and establishment of hurricane shelter capacity and evacuation time standards;**
- **mitigation measures such as fair share contribution to preserve sheltering capacity and maintain evacuation times, or reductions in project density;**
- **special design standards for infrastructure construction;**
- **development of hurricane evacuation plans in coordination with the Manatee County Division of Emergency Management; and**
- **specific surcharges or fees to recoup public expenditures for infrastructure after a storm.**

Policy 4.4.2.2, requires new development in the Coastal Planning Area to provide hurricane evacuation plans for the project in coordination with the County's Emergency Management Division, and require the implementation of such plans with funding for such planning and implementation provided by the developers of the project or their successors.

Finding for Special Approval: Any project which is at least partially within the CEA or CSVA Overlay Districts shall be submitted for special approval according to the Comprehensive Plan. Staff finds that the proposed buildings will be a completion of the original development plan for the site and are a small number (10 additional units). Therefore, the stipulation requiring the developer to submit a hurricane evacuation plan for the development should be sufficient in meeting the concerns of additional units within the CEA and CSVA.

ATTACHMENTS:

1. Development Review Committee Comments

DRC REVIEW COMMENTS

DATE: September 22, 1998

PROJECT NAME: **SMUGGLER'S LANDING**

PLANNING NUMBER: PDR-98-08(P)

PLANNER: Osborne REVIEW ENGINEER:

COMMENTS:

Branning / Mayer

- New tap to state, "Wet tap to be made by Manatee County Public Works Department, material to be furnished by Contractor."
- Verify the existing 8" sanitary sewer on 129th Street West. Show existing manholes.
- Show location of meters and backflow preventers.
- Have these buildings been previously permitted for water and wastewater flow commitments?
- Comments from August 18, 1998 DRC review have not been addressed as of this review.

Eartlhey / Andruzzi

All dumpsters need to have a 10x10x5 pad and a closure with 6 foot high fence and gates. See County Ordinance 85-11 and L.D.C. Sections #728.5.11 and #728.5.12.

Jones / Kutt

No additional right-of-way required at this time.

Aliff / Lilly

No comment.

PUBLIC WORKS DEPARTMENT

MANATEE COUNTY PLANNING DEPARTMENT
GROWTH MANAGEMENT SECTION
DEVELOPMENT REVIEW COMMITTEE (DRC) COMMENTS
(941) 749-3070

DATE: SEPTEMBER 28, 1998

PROJECT NAME: SMUGGLER'S LANDING
PDR-98-08(P)
TWO CONDO UNITS FOR EXISTING DEVELOPMENT

ADDRESS: 128TH AND 129TH STREET WEST CORTEZ

PLANNER: JOHN OSBORNE (x) 6902

ENGINEER: AL WALLACE (x)6858

TRANSPORTATION ENGINEER: HUSHAM ABDULSATTAR (x)6863

CONCURRENCY: MICKI RYAN (X)6904/PHYLLIS STRONG (x) 6865

[PLEASE NOTE: THESE COMMENTS ARE BASED ON INFORMATION SUBMITTED AND ARE SUBJECT TO REVIEW AS APPLICABLE]

CONCURRENCY/TRANSPORTATION/RELATED COMMENTS:

I. This submittal may proceed when the comments listed below and the comments issued by the other DRC members are satisfactorily addressed.

N/A

II. We offer the following suggestions, comments and concerns for this proposal; however, these do not necessarily require a revision to your application at this time:

N/A

III. General Information

Applications for Certificate of Level of Service Compliance for potable water, sanitary sewer, solid waste, transit, and traffic have been approved.

Drainage design intent shall be indicated on the preliminary site plan. Final engineering drainage design must be approved prior to final site plan approval.

Prior to final site plan approval, the Engineer of Record/Architect must provide documentation to prove that concurrency has been met relative to fire flow per Section 11.5.1.4 of the Comprehensive Plan.

All traffic control signage and pavement markings, if warranted, shall conform to FDOT and MUTCD standards.

If there are any questions pertaining to concurrency and/or transportation, please contact Micki Ryan at 749-3070 extension 6904.

cc: Concurrency File #PDR-98-08(P)
Public Works and Transportation Concurrency Group
(Dave Branning, Wayne Roberts, Cia Mollanazar,)

Environmental Management Department
MANATEE COUNTY GOVERNMENT

NATURE SAVER™ FAX MEMO 01515	Date 10/7	# of pages ▶ 2
To John Osborne	From Bill Oshea	
Co./Dept.	Co.	
Phone #	Phone #	
Fax # 749-3071	Fax #	

MEMORANDUM

DATE: October 6, 1998

TO: John Osborne, Planner
Planning Department

FROM: William C. O'Shea, Environmental Manager WCO
Environmental Management Department

SUBJECT: **Development Review Comments**
Smuggler's Landing PDR-98-08(P)

The Environmental Management Department offers the following revised comments for the above referenced Preliminary Site Plan:

Air Quality Division (contact: Bob Bixby)

Prior to development-related land clearing activities, all applicable County approvals must be obtained through the Planning Department. If burning of trees and/or branches is required for land clearing, a burn permit must be first obtained from the Environmental Management Department. **No burn permits will be issued until Final Site Plans/Construction Plans are approved.**

Prior to Final Site Plan approval, a completed application for Fugitive Particulate Abatement must be submitted to the Environmental Management Department.

Natural Resources Division (contact: Bill O'Shea)

The applicant is proposing a variable width wetland buffer for 2,322 s.f. of buffer encroachments and has provided 2,703 s.f. of buffer compensation. We have no objection to the variable width wetland buffer, as proposed.

The legend for the variable width wetland buffer on sheet 2 of 2 has buffer encroachments labelled as encroachments into jurisdictional areas. Please note that these encroachments are not to wetlands but to the wetland buffer. This legend should be revised accordingly on the Final Site Plan.

P.O. Box 1000 Bradenton, Florida 34206-1000
FAX: (941) 742-5996
(941) 742-5980

Dry retention area is located within the wetland buffers. A note on the plan indicates that compatible vegetation will be provided in retention areas lying inside the wetland buffer. Please include the following stipulation in the development order:

> **A Wetland Buffer Enhancement Plan shall be approved by the EMD prior to Final Site Plan approval.**

Exotic, nuisance vegetation should be cleared from the wetland buffer.

Water Quality Division (contact: Bob Fluke)

Sediment and erosion control (S&EC) measures are required by Sections 717.3.17 and 717.4.2.7 of the LDC. S&EC drawings, details or notes have not been included in this submittal. **Drawings, details and/or notes for S&EC should be submitted to the Water Quality Division for review and approval, prior to Final Site Plan approval.**

Applicant response indicates that there are no wells on-site.

If you have any questions or comments, please contact me at extension 5980.

WCO:hs

cc: Douglas D. Means

John O.

WEST SIDE FIRE DEPARTMENT
Fire & Rescue Services
407 67th Street West
Bradenton, Florida 34209-2307
Office 941.792.0377 Fax 941.795.2277
Emergency Dial 911

PLANNING DEPARTMENT

08-24-98

Manatee County Planning, Permitting
And Inspections
1112 Manatee Avenue West
Bradenton, Fl. 34206
Re. PDR-98-08 (P)
Dennis Associates Inc / The Enclave

After reviewing the applicable codes for the purposed buildings in Smuggler's Landing, the Fire Department has the following comments.

1) The Fire Department has no objection at this time regarding this project.

The Fire Department appreciates the opportunity to review these plans, should you have any questions concerning the above comments please contact me at my office at 741-3900.

Sincerely,

Kurt Lathrop

Kurt Lathrop
Deputy Fire Marshal

c. 2-Planning and Permitting
1-Benson Engineering
1-File

NOTES

PDR/LH RESIDENTIAL

SMUGGLER LANDING PHASE I CONDO BOOK 11 PAGES 18-24

PDR-1.5/LH RESIDENTIAL

AMENDED PLAT OF CORTEZ ADDITION TO CORTEZ PLAT BOOK 2 PAGE 16

LAKES OF MARAFIEL'S CLUB CONDO BOOK 14 PAGES 2-7

PDR/LH RESIDENTIAL

EX CLUBHOUSE & POOL

VICINITY MAP

PHASE II SHIP TALLEST HOUSE

PHASE III SHIP TALLEST HOUSE

PDR/LH RESIDENTIAL

WATER METER CALCS

PARKING CALCS

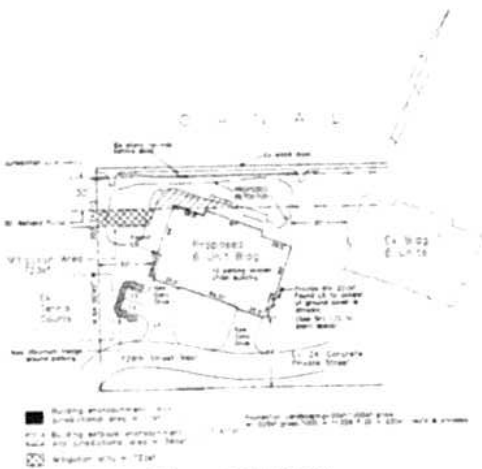
PHASING

PDR-98-08(P)

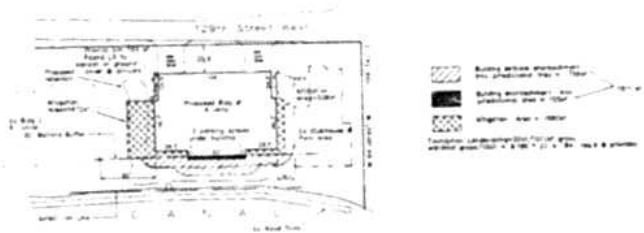
PLANNING

PRELIMINARY SITE PLAN

SMUGGLER'S LANDING



Phase 3 Buildout



Phase 1 Buildout

GENERAL NOTES

				BENSON ENGINEERING, INC. ENGINEERS PLANNERS SURVEYORS	SITE DETAILS		SMUGGLER'S LANDING PRELIMINARY SITE PLAN	2/2