

September 5, 2013 BOCC public hearing

Ordinance No. PDR-05-64(Z)(P)

Martin/Hillwood

Possible Motion to Deny Rezone:

Based upon the staff report, evidence presented, comments made at the public hearing, and finding the request to rezone the 77.97± acre parcel to the Planned Development Residential (PDR) Zoning District inconsistent with the Comprehensive Plan and not in compliance with the applicable criteria in the Land Development Code, I move to deny the adoption of Ordinance No. PDR-05-64(Z)(G).

Possible Motion to Deny General Development Plan:

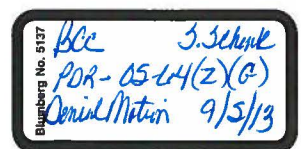
Based upon the staff report, evidence presented, comments made at the public hearing, and finding the request to approve the General Development Plan for 195 single-family detached residential dwelling units inconsistent with the Comprehensive Plan and not in compliance with the applicable criteria in the Land Development Code, I move to deny the General Development Plan, PDR-05-64(Z)(G).

Possible Motion to Deny Special Approval:

Based upon the staff report, evidence presented, comments made at the public hearing, and finding the request to grant Special Approval for a project exceeding one dwelling unit per acre in the UF-3 Future Land Use Category to be inconsistent with the Comprehensive Plan and not in compliance with the applicable criteria in the Land Development Code, I move to deny the request for Special Approval for Application PDR-05-64(Z)(G).

Summary of Applicable Comprehensive Plan Provisions:

The following provisions of the Comprehensive Plan can be found to support the above three motions:



Future Land Use Element:

Policy 2.2.1.11.1 Intent of UF-3 Future Land Use Category: Provides in part: "...The development of these lands shall follow a logical expansion of the urban environment, typically growing from the west to the east, consistent with the availability of services. At a minimum, the nature, extent, location of development and availability of services will be reviewed to ensure the transitioning of these lands is conducted consistent with the intent of this policy."

* * *

Policy 2.2.1.11.4 UF-3: (b) all projects for which gross residential density exceed 1 dwelling unit per acre shall require special approval.

Policy 2.1.1.4 Promote development in currently undeveloped areas which have the greatest level of public facilities availability and investments.

* * *

Policy 2.1.2.7 Review all proposed development for compatibility and appropriate timing. This analysis shall include: consideration of existing development patterns, transition between land uses and natural features ...

Policy 2.2.1.6 Require that a specific project's maximum potential be established only through the application of the implementing land development regulations, including zoning district, which may restrict development potential to less than the maximum provided for in this Comprehensive Plan in response to appropriate land use, public facility and natural resource considerations as identified in this Comprehensive Plan. Furthermore, nothing in this Comprehensive Plan shall guarantee the achievement of maximum development potential, as shown on the Future Land Use map.

Objective 2.3.3 Floodplain Management: Direct development away from areas subject to flooding to reduce risks to life and property and to minimize costs to County residents for replacing damaged infrastructure.

* * *

Policy 2.6.2.1 Limit location of new residential development and residential support uses adjacent to intensive and incompatible agricultural operations.

* * *

Policy 2.9.1.1 Minimize the development of residential project designs which create isolated neighborhoods.

* * *

Traffic Element:

Policy 5.2.2.11 Discourage the disruption of neighborhood functions from external traffic to ensure that local streets are not situated so as to provide preferred travel paths for vehicular movements between home and work/shopping locations...

* * *

Conservation Element:

Goal 3.3 Protect, Enhance, and Maintain the Natural Floral and Faunal Resources of Manatee County to aid in filtration of contaminants, provide for the preservation of native species for passive recreational and aesthetic enjoyment, and to provide a healthy environment for Manatee County residents and visitors.

* * *

Objective 3.3.2 Wildlife and Upland Habitat Protection: Protect and preserve native wildlife, endangered, threatened and species of special concern and native upland habitat through appropriate acquisition, restoration and development controls...

Policy 3.3.2.1 Protect floral and faunal species which are threatened, endangered, or are species of special concern from incompatible development by requiring

that all proposed development sites be examined for location of Listed Species (endangered, threatened or species of special concern)...

* * *

Policy 3.3.2.2 Require the preservation of native upland habitat during land development activities through the following strategies...

The following provisions of the **Land Development Code** can be found to support the above 3 motions:

Section 602.1.2 Agricultural Districts: Agricultural districts provide for agriculture and agricultural uses on minimum five acre and one acre lots:

Section 602.1.2.1 Zone District A: General Agriculture District: The A General Agriculture District is intended to preserve agricultural lands, promote general agricultural economic activity, and allow for the co-existence of other uses generally consistent with agricultural activities. It is also the intent of this section to provide for rural residential development in which the gross density does not exceed 0.2 dwelling unit per acres. In addition, it is intended that agricultural areas be protected from the encroachment of incompatible uses and that development be guided within the district to occur in a manner that complies with the Comprehensive Plan.

* * *

Section 502, Amendments to Official Zoning Atlas.

* * *

504.5 Factors for review and adoption of proposed amendments:

* * *

F. Will the proposed change adversely affect the health, safety or welfare of the neighborhood?

* * *

H. Is the proposed amendment consistent with the development patterns in the area and appropriate 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.

* * *

L. Will the proposed change have an adverse environmental impact on the vicinity?

* * *

Section 603 Planned Development Districts

603.1 Purpose....Within Planned Development Districts, regulations adapted to such unified planning and development are intended to accomplish the purposes of zoning and other applicable regulations to an equivalent or higher degree than where such regulations are intended to control unscheduled development on individual lots...

* * *

603.4 Planned Districts –Review Criteria:

1. Physical Characteristics of the Site; relation to surrounding property. Conditions of soil, ground water level, drainage and topography shall all be appropriate to both type and pattern of use intended.

* * *

3. Relation to Major Transportation Facilities: Planned Development districts, where appropriate because of size or intensity of the proposed district, shall be so located...as to provide access to and from such districts without creating excessive traffic along minor streets in residential neighborhoods outside the district.

4. Compatibility: Planned Development districts shall be located and designed so as to minimize the negative effects of external impact resulting from factors such as traffic, noise, or lights. Project control shall be accomplished through such techniques as buffering, architectural design, site design, height limitations and density or intensity limitations. (Note: The design techniques described above are not available with a general development plan level of review.)

5. Transitions. Planned Development districts shall be responsive to the character of the area. When located in an area where land use types and/or intensities or densities vary, Planned Development districts shall be designed in such a manner as to provide for gradual changes in intensity and or density.

* * *

8. Access: Principal vehicular access points shall be designed to...minimize hazards to vehicular or pedestrian traffic.

* * *

11. Natural and Historic Features, Conservation and Preservation Areas: Planned development districts shall be designed to preserve the natural features of the land and historic resources, such as existing trees, natural topography and archaeological and historical sites, as much as possible.

* * *

12. Density/Intensity Density. Density and/or intensity shall not exceed maximums established in the Comprehensive Plan. Planned Development district densities/intensities shall be established after consideration of the Comprehensive Plan criteria and limits, neighborhood compatibility, transitions and site design.

* * *

Section 508 Site Plans

508.6 Factors for Reviewing Proposed Site Plans

* * *

508.6.3 Relation to Major Transportation Facilities Planned development districts, where appropriate...shall be so located so as to not create excessive traffic along minor streets n residential neighborhoods outside the district. (Note: Although Waterline Road is designated a collector in the Thoroughfare Plan, citizen testimony has indicated it has functioned as a rural local road though their neighborhood for many years.)

508.6.4 Compatibility. Planned development districts shall be located so as to minimize the negative effects of external impacts resulting from factors such as traffic, noise or lights.

508.6.5 Transitions Planned development districts shall be responsive to the character of the area.

508.6.6 Design Quality All site plans in Planned Development districts shallgenerally is superior in design to conventional development site plans...

* * *

508.6.8 Access Principal vehicular access points shall be designed to encourage smooth traffic flow and controlled turning movements and minimum hazards to vehicular or pedestrian traffic....

* * *

508.6.12 Density/Intensity Planned development district densities shall be established after consideration of the Comprehensive Plan criteria and limits, neighborhood compatibility, transitions and site design.

* * *

508.6.23 Consistency with Comprehensive Plan. No Planned Development shall be approved if it is inconsistent with the Comprehensive plan.

* * *

Section 605. **Special Approval** Process as Required by the Manatee County Comprehensive Plan.

* * *

605.5 Standards for Granting **Special Approval**. Special Approval may be granted only upon findings that the project will have:

No significant detrimental impacts on natural resources,

On adjacent land uses,

or on public facilities and

only when the specific criteria for the special approval established in the Comprehensive Plan or this Code, if any have been satisfied.