

Re: Long Bar Pointe PA-13-03 and PA-13-06

Dear Commissioners:

ManaSota-88 strongly recommends that the Manatee County Commission **deny** PA-13-03 (PROPOSED ORDINANCE 13-08) (Long Bar Pointe) and PA-13-06 (PROPOSED ORDINANCE 13-23)

ManaSota-88, Inc. (hereinafter, "ManaSota-88") is a public interest conservation and environmental protection organization, which is a Florida not-for-profit corporation and a citizen of the State of Florida. The corporate purposes of ManaSota-88 include the protection and preservation of water quality and wildlife habitat in Manatee and Sarasota Counties, and the protection of public health and safety of residents of Manatee and Sarasota Counties. Objecting to PA-13-03 and PA-13-06 falls within ManaSota-88's general scope of interest and activity.

A number of ManaSota-88's members own real property and reside in Manatee County and will be substantially adversely affected if the Manatee County Commission approves PA-13-03 and PA-13-06.

The facts haven't changed; the type of development proposed is inappropriate for the area. If approved, the proposed development will cause delays in hurricane evacuation, incompatibility of building types, degradation of scenic vistas and natural resource impacts.

The proposed development will take a unique and beautiful coastal area and make it no different than any other development found on the coastline of Florida.

A vote to approve the proposed development will forever change the character of the area and the environment.

A vote to approve the proposed development will place existing and future residents at needless risk from the effects of a catastrophic storm.

ManaSota-88 recommends denial of PA-13-03 and PA-13-06 based on the following:

**INCONSISTENCIES WITH THE
MANATEE COUNTY COMPREHENSIVE PLAN**

**1. MAP AMENDMENT IS INCONSISTENT WITH THE CURRENT
COMPREHENSIVE PLAN**

Pursuant to Section 163.3189(2)(a), Manatee County cannot approve PA-13-03

map amendments because the county commission has not yet effectively adopted the comprehensive plan amendments proposed in PA-13-06. The site remains subject to the current Manatee County Comprehensive Plan and the Manatee County Land Development Code. The proposed development is not compatible with and do not further the goals, policies, objectives and uses as set forth in the applicable Comprehensive Plan and, in fact, discourage the goals, policies, objectives and land uses and densities or intensities set forth in the applicable Comprehensive Plan.

2. INCONSISTENT WITH THE CEA OVERLAY DISTRICT

The density allowed on the Site is specifically restricted under the Manatee Comprehensive Plan because it is located in what the Manatee Plan designates as the Coastal Evacuation Area Overlay District (herein, "CEA Overlay District"), which it defines as a Category 1 hurricane evacuation zone. Policy 2.2.2.4.2 of the Manatee Plan provides that any property located within the CEA Overlay District shall be subject to the policies for that future land use category, "except where policies associated with the CEA Overlay District conflict with" the policies in that category. In this instance, there is specifically such a conflict. That is because Policy 2.2.2.4.2 of the Manatee Plan states that the purpose of the CEA Overlay District includes:

- (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.

3. INCONSISTENT WITH THE CSV OVERLAY DISTRICT

The Site is partially located in the Coastal Storm Vulnerability Overlay District (herein, "CSV Overlay District"), which is the geographic area, which lies seaward of the 5-foot topographic contour, including all areas of known coastal flooding. Policy 2.2.2.5.4 and 2.2.2.5.2 of the Manatee Plan provide the same with regard to property, which lies in the CEA Overlay Zone, including the limitation of population and infrastructure, reducing the risk of exposing lives, or property to storm damage and limiting development activity which may impact the shoreline.

4. INCONSISTENT WITH THE CONSERVATION ELEMENT

Long Bar Pointe is inconsistent with the Conservation Element of the Manatee Plan by the adverse impact on air pollution, which will be created by additional traffic congestion.

The direct, secondary and cumulative impacts of the proposed development fails to conserve, protect wildlife habitat, or protect native vegetative communities. There will be adverse impacts on endangered and threatened wildlife, and environmentally sensitive lands.

5. INCONSISTENT WITH THE COASTAL ELEMENT FOR PRESERVATION

Long Bar Pointe is inconsistent with the Coastal Element of the Manatee Plan because it fails to preserve the unique natural character of the County's coastlines, fails to limit publicly-funded infrastructure expenditures in the Coastal Planning Area and otherwise.

6. INCONSISTENT WITH OUTSTANDING FLORIDA WATERS AND AQUATIC PRESERVES POLICY 4.2.1.4 AND POLICY 9.4.1.4

Pollution associated with increased traffic and run-off from the development site will likely increase over time and will likely be much greater than permitted for the ambient background Outstanding Florida Water (OFW) non-degradation standard.

The direct, secondary and cumulative impacts of the proposed project will likely result in unpermissible adverse impacts, which may violate OFW water quality standards. Reasonable assurances have not been provided that the project would not adversely affect the conservation of fish and wildlife, including endangered or threatened species or their habitats, or marine productivity in the vicinity of the proposed development.

Policy: 4.2.1.4 requires buffer zones from all state designated Aquatic Preserves and Outstanding Florida Waters.

Policy: 9.4.1.4 requires that all projects discharging into the WO District on the Future Land Use Map meet or exceed the design standards of Chapters 62-3, 62-4, and 62-25 and local design standards for discharge into Outstanding Florida Waters.

According to Manatee County staff, the Long Bar Pointe site contains significant coastal wetlands and privately owned submerged lands, some of the most significant seagrass beds in all of Sarasota Bay.

7. INCONSISTENT WITH THE COASTAL ELEMENT OF HURRICANE EVACUATION CLEARANCE TIMES

The site contains 463.2 acres, 294 acres in the coastal high hazard Level 1 Hurricane Zone. It is also within a Velocity Zone, a Coastal Evacuation Area, and a Coastal Planning Area.

Existing residents and future development will be particularly vulnerable to hurricanes, with threats of loss of life and substantial property damage.

The hazard of storm surges is significant given the site is low in elevation and would likely be completely inundated in a Category 1 hurricane. A storm surge is the most dangerous hazard from a hurricane. A Category 5 hurricane could produce an eighteen-foot storm surge and would likely place Long Bar Pointe at least 13 feet under water.

The proposed development is inconsistent with Coastal Management Conservation Element Goal 4.4 and Objective 4.4.1.

Hurricane evacuation clearance times for Manatee County are among the highest for any area of Florida and the coastal United States. The impact of additional development on Long Bar Pointe is significant considering the already congested state of existing hurricane evacuation routes.

The present transportation level of service for this development is inadequate to ensure safe hurricane evacuation. Additional development at Long Bar Pointe will only place more residents at additional risks.

Evacuation routes from Long Bar Pointe are likely to be underwater and unusable in Category 2 hurricane or higher, thus preventing evacuation.

Long Bar Pointe is inconsistent with:

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 to 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 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.

Long Bar Pointe is vulnerable not only to storm surge flooding but also to the wind effects of a hurricane.

As proposed, a total population increase of approximately 10,420 people (total number of dwelling units x 2.3 people per household) is expected. The subject property is located in County Subarea 11 for population. The population of Subarea 11 is currently 98,085 and is anticipated to increase about 9,130 by the year 2035.

Long Bar Pointe is inconsistent with Goal 4.4 of the Coastal Element of the Manatee Plan and the Objectives and Policies therein, because it does not "maintain or reduce hurricane evacuation clearance times," increase "the rate of evacuee mobilization," "maintain adequate capacity on all identified major evacuation routes," "ensure that major evacuation routes have adequate capacities, are adequately maintained and, when necessary, are improved to facilitate an efficient and safe evacuation" and otherwise, but will instead degrade hurricane evacuation conditions on important and already problematic hurricane evacuation routes.

8. INCONSISTENT WITH HURRICANE SHELTER REQUIREMENTS

Local governments have the responsibility of protecting the well being and safety of all people by limiting new development in hurricane prone areas, building adequate evacuation routes, and providing sufficient hurricane shelters. Manatee County has the responsibility for the safe evacuation of, not only its residents and property owners, but others as well.

There are severe constraints on public evacuation and hurricane shelters in the event of a major storm event. Long Bar Pointe residents will have to evacuate to a shelter.

Manatee County currently lacks sufficient hurricane shelter capacity to accommodate persons evacuating a Category 3, 4 or 5 hurricane. Long Bar Pointe should be denied based on the current deficiency of hurricane shelters.

9 . INCONSISTENT WITH GOAL 2.4 TRANSPORTATION PLAN

Long Bar Pointe is inconsistent with Goal 2.4 of the Manatee Plan and the Objectives and Policies therein and the Transportation, Traffic, Water Supply Sub Elements of the Manatee Plan, because it will have an unacceptable impact on traffic congestion on already congested roads, on water supply and on other infrastructure and public service requirements.

10. INCONSISTENT WITH SECTION E - PUBLIC PARTICIPATION

ManaSota-88 is of the opinion that there has been a failure on the County's part to comply with all the provisions of the Local Government Comprehensive Planning and Land Development Regulation Act, Section 163.3161 & Section 163.318.

The intent of the Legislature was to provide for public participation to the **fullest extent possible** and to provide for the **broad dissemination** of the proposals and alternatives relating to the comprehensive planning updates. This has not occurred.

Specifically, no site plan has been submitted and therefore the public has not been able to conduct a comprehensive environmental review of this parcel.

No development details have been submitted with the map amendment.

Glenn Compton - Chairman
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