

**MANATEE COUNTY ZONING ORDINANCE
PDR-13-26(P)(R) – NEAL COMMUNITIES OF SOUTHWEST FLORIDA, LLC /
THE ESTUARY (FKA EXCLUSIVE RESIDENTIAL COMMUNITY) PSP MODIFICATION –
(DTS20160475 – MEPS213)**

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, REGARDING LAND DEVELOPMENT, TO AMEND ORDINANCE NO. PDR-13-26(P) TO APPROVE AN AMENDED PRELIMINARY SITE PLAN AND STIPULATIONS AS PREVIOUSLY APPROVED BY ORDINANCE NO. PDR-13-26(P); THE AMENDMENTS INCLUDE: DELETING PREVIOUSLY APPROVED SPECIFIC APPROVALS THAT ARE NO LONGER NECESSARY BECAUSE OF LDC REVISIONS AND/OR REVISED PROJECT DESIGN; ADDING A STIPULATION FOR MANATEE COUNTY ACCEPTANCE AND MAINTENANCE OF ABOVE GROUND UTILITY INFRASTRUCTURE WITHIN THE CHHA; AMENDING STIPULATIONS FOR COMPLIANCE WITH CURRENT CODES; SAID PRELIMINARY SITE PLAN PERTAINS TO PROPERTY LOCATED WEST OF 99TH STREET NORTHWEST AND SOUTH OF 9TH AVENUE NORTHWEST, BRADENTON ON 50.7 ACRES IN THE PDR (PLANNED DEVELOPMENT RESIDENTIAL) ZONING DISTRICT; ; SUBJECT TO STIPULATIONS AS CONDITIONS OF APPROVAL; SETTING FORTH FINDINGS; PROVIDING A LEGAL DESCRIPTION; PROVIDING FOR SEVERABILITY, AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Robinson Farms, Inc., William C. Robinson, President; John Neal Homes, Inc., John Neal (the “Applicant”) filed an application for a Preliminary Site Plan for approximately 50.7 acres described in Exhibit “A”, attached hereto, (the “Property”) for 50 single family detached lots in the PDR (Planning Development Residential) zoning district; and

WHEREAS, on March 6, 2014 the Board of County Commissioners adopted Ordinance No. PDR-13-26(P) to approve a preliminary site plan for 50 single family detached residences; and

WHEREAS, the Applicants have filed an application to amend Ordinance No. PDR-13-26(P) to reflect changes made to the preliminary site plan and to request the stipulations of approval be amended; and,

WHEREAS, the Applicants have requested the following revisions to Ordinance No. PDR-13-26(P) including: 1) delete previously approved Specific Approvals (LDC Section 700.3.1.7 [formerly LDC Section 714.8.7] – Required Tree Replacement Caliper; LDC Section 800.8.C [formerly LDC Section 907.7.3] – Lot Shape; LDC Section 710.1.5.1.2 – Backing into Right-of-Way and Angled Parking Spaces; and LDC Section 1001.4.A. [formerly LDC Section 740.2.5] – Private Street Requirements) either because the Specific Approval is no longer required because of LDC revisions and/or the design of the project no longer requires Specific Approval; and 2) County acceptance of ownership and maintenance responsibility for utility infrastructure located within the CHHA; and

WHEREAS, the Board of County Commissioners held a duly noticed and advertised public hearing on February 2, 2017 to consider the amended preliminary site plan and revised stipulations; and

WHEREAS, the Board of County Commissioners, upon receiving the staff report and public testimony and evidence at the public hearing, found and determined that the applications were consistent with the Manatee County Comprehensive Plan.

NOW, THEREFORE BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA:

Section 1. FINDINGS OF FACT. The recitals set forth above are true and correct and are hereby adopted as findings by the Board of County Commissioners.

The Board of County Commissioners, after considering the testimony, evidence, documentation, the recommendation and findings of the Planning Commission, as well as all other matters presented to the Board at the public hearing hereinafter referenced, hereby makes the following findings of fact:

A. The Board of County Commissioners has received and considered the report of the Building and Development Services staff concerning the application for an amended Preliminary Site Plan as it relates to the real property described in Exhibit “A” of this Ordinance.

B. The Board of County Commissioners held a duly noticed public hearing on February 2, 2017 to consider the amended preliminary site plan and revised stipulations in accordance with the requirements of Manatee County Ordinance No. 15-17, as amended, (the Manatee County Land Development Code), and has further considered the information received at the public hearing.

C. The amended Preliminary Site Plan and amended stipulations regarding the property described in Exhibit “A” herein are found to be consistent with the requirements of Manatee County Ordinance No. 15-17, as amended, the 2020 Manatee County Comprehensive Plan and to satisfy the criteria for approval in the Land Development Code.

Section 2. PRELIMINARY SITE PLAN. The amended Preliminary Site Plan is hereby approved for 50 single family detached lots in the PDR (Planning Development Residential) zoning district upon the Property subject to the following amended Stipulations:

STIPULATIONS

A. DESIGN:

1. A Hurricane Evacuation Plan shall be prepared and submitted for approval at the time of Final Site Plan/Preliminary Plat submittal. This plan shall be provided to both Public Safety and Building and Development Services for review and approval.
2. A Homeowner’s Association, responsible for the maintenance of all common areas and facilities, including the private street network shall be established for this development. The Homeowner’s Association documents shall be reviewed in conjunction with the Final Plat submittal.
3. No lots shall be platted through any greenbelt, landscape buffer, retention pond, wetland, or wetland buffer.
4. The design and maintenance of the roadway and perimeter buffers will be based on a unified landscape plan, in conjunction with the Robinson Preserve expansion.
5. At time of Final Site Plan, the 10’ pedestrian trail shown adjacent to Lots 12 and 13 shall be located in common open space.

B. INFRASTRUCTURE CONDITIONS:

1. In order for Manatee County to assume ownership and maintenance responsibility for sanitary sewer, potable water and reclaimed water hereinafter collectively referred to as "Utility Infrastructure" installed at, above, or below ground within the Estuary project, all Utility Infrastructure installed at or above ground shall be a minimum elevation of 4.8' NAVD88. This elevation is based on the Florida Statewide Regional Evacuation Study Program, Storm Tide Atlas for Manatee County, Book 2 of 4, Volume 7.
2. 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.

C. STORMWATER CONDITIONS:

1. Impervious area from lots and streets shall be treated within proposed stormwater management facilities prior to discharge into Outstanding Florida Waters (OFW) and Robinson Preserve.
2. This project shall be required to provide 150% water quality for Palma Sola Bay/Sarasota Bay Outstanding Florida Waters (OFW).
3. Structures elevated on stem walls may not be portioned into separate rooms except for entry/foyer below the Flood Protection Elevation (BFE plus 1 foot). The area may only be used for vehicle parking, storage, and entry/access to the habitable floor. Flood resistant materials required below the FPE. Flood vents (1 square inch for every square foot of enclosure) required below the FPE.
4. All proposed roadways shall be constructed so as to be above the 100-year design storm elevation based upon rainfall. The design storm elevation will be established utilizing drainage modeling of the internal stormwater system approved by Public Works Department.

D. ENVIRONMENTAL CONDITIONS:

1. There are Bald Eagle nests adjacent to this project. Final Site Plans shall be designed in accordance with the "Bald Eagle Management Plan," as adopted April 2008, by the Florida Fish and Wildlife Commission. If not in compliance with the "management plan," copies of applicable permits shall be provided to EPD staff for review prior to Final Site Plan approval.
2. Prior to Final Site Plan approval, the entire site should 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, a further investigation will be required to determine the level of contamination and appropriate remediation/mitigative measures.

3. A Construction Water Quality Monitoring Program is required at the time of Final Site Plan submittal. Proposed sampling locations are required to be included in the ESCP information on the Final Site Plan in accordance with Land Development Code Section 355.
4. 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); and
 - The final disposition of the well – used, capped, or plugged.

E. NOTICES

1. A Notice to Buyers shall be included in the Declaration of Covenants and Restrictions, in a separate addendum to the sales contract, and in the Final Site. The Notice to Buyers shall include language informing prospective home buyers of the following:
 - a) The property is located within a CHHA Overlay District, CPA and CEA area;
 - b) Portions of the site are within the pre-development 100-year and 25-year floodplains and may be subject to flooding. Proposed subdivided lots are to be graded such that the residences will be located outside of the post-development 100-year and 25-year floodplain. As a result of this location, additional Flood Insurance may be required of the future residents.
 - c) For Lots 12 and 13, that there is a 10 foot pedestrian trail adjacent to their lots.
 - d) Residents in the future subdivision will be subject to a Hurricane Evacuation Plan that will be approved by the Emergency Management Division of the Public Safety Department at the time of Final Site Plan submittal.

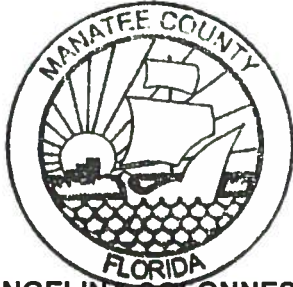
Section 3. SEVERABILITY. If any section, sentence, clause, or other provision of this Ordinance shall be held to be invalid or unconstitutional by a court of competent jurisdiction, such section, clause, or other provision shall be deemed severable, and such invalidity or unconstitutionality shall not be construed as to render invalid or unconstitutional the remaining sections, sentences, clauses, or provisions of this Ordinance.

Section 4. CODIFICATION. Pursuant to § 125.68(1), Florida Statutes, the ordinance is not required to be codified. Therefore, the Clerk shall not transmit the ordinance for codification.

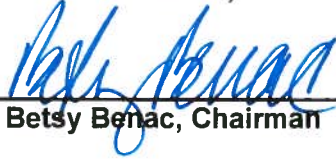
Section 5. STATE AND FEDERAL PERMITTING. The issuance of the local development permit by the County shall not create any liability on the part of the County in the event the applicant fails to obtain the required state or federal agency approvals or permits or fails to fulfill the obligations imposed by any state or federal agency or undertakes actions that result in a violation of state or federal law.

Section 6. EFFECTIVE DATE. This ordinance shall take effect immediately upon filing with the Office of the Secretary of State, Florida Department of State.

PASSED AND DULY ADOPTED, by the Board of County Commissioners of Manatee County, Florida on the 2nd day of February 2017.



**BOARD OF COUNTY COMMISSIONERS
OF MANATEE COUNTY, FLORIDA**

BY: 
Betsy Benac, Chairman

**ATTEST: ANGELINA COLONNESO
Clerk of the Circuit Court**

BY: 
Deputy Clerk

EXHIBIT "A"

LEGAL DESCRIPTION

COMMENCE AT THE NORTHEAST CORNER OF SECTION 26, TOWNSHIP 34 SOUTH, RANGE 16 EAST; THENCE N 89°36'54" W, ALONG THE NORTH LINE OF SAID SECTION 26, A DISTANCE OF 16.00 FEET; THENCE S 00°19'34" W, A DISTANCE OF 28.00 FEET; THENCE S 00°19'34" W, ALONG THE WESTERLY MAINTAINED RIGHT-OF-WAY LINE OF 99TH STREET N.W., A DISTANCE OF 550.00 FEET TO THE POINT OF BEGINNING; THENCE S 00°19'34" W, A DISTANCE OF 661.06 FEET; THENCE S 34°01'32" W, A DISTANCE OF 96.58 FEET; THENCE N 89°47'24" W, A DISTANCE OF 15.01 FEET; THENCE S 00°21'55" W, A DISTANCE OF 662.57 FEET; THENCE N 87°26'40" W, A DISTANCE OF 28.27 FEET; THENCE N 00°21'47" E, A DISTANCE OF 35.90 FEET TO A POINT ON THE ARC OF A CURVE TO THE RIGHT WHOSE RADIUS POINT BEARS N 12°37'44" E, AT A DISTANCE OF 205.00 FEET; THENCE WESTERLY, AND NORTHWESTERLY ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 34°07'55", A DISTANCE OF 122.12 FEET TO A POINT OF REVERSE CURVATURE WITH A CURVE, TO THE LEFT HAVING A RADIUS OF 225.00 FEET; THENCE NORTHWESTERLY, AND WESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 57°37'00", A DISTANCE OF 226.26 FEET TO A POINT OF TANGENCY; THENCE S 79°08'39" W, A DISTANCE OF 240.82 FEET TO THE POINT OF CURVATURE OF A CURVE, TO THE LEFT HAVING A RADIUS OF 65.00 FEET; THENCE WESTERLY, SOUTHWESTERLY, AND SOUTHERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 91°15'00", A DISTANCE OF 103.52 FEET TO A POINT OF TANGENCY; THENCE S 12°06'20" E, A DISTANCE OF 167.84 FEET TO A POINT ON THE ARC OF A CURVE TO THE LEFT WHOSE RADIUS POINT BEARS N 77°04'39" E, AT A DISTANCE OF 560.00 FEET; THENCE SOUTHERLY, AND SOUTHEASTERLY ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 40°09'00", A DISTANCE OF 392.42 FEET TO A POINT OF REVERSE CURVATURE WITH A CURVE, TO THE RIGHT HAVING A RADIUS OF 170.00 FEET; THENCE SOUTHEASTERLY, SOUTHERLY, SOUTHWESTERLY, WESTERLY, AND NORTHWESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 180°00'00", A DISTANCE OF 534.07 FEET TO A POINT OF TANGENCY; THENCE N 53°04'21" W, A DISTANCE OF 468.26 FEET TO THE POINT OF CURVATURE OF A CURVE, TO THE RIGHT HAVING A RADIUS OF 112.00 FEET; THENCE NORTHWESTERLY, AND NORTHERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 63°13'00", A DISTANCE OF 123.57 FEET TO A POINT OF TANGENCY; THENCE N 10°08'39" E, A DISTANCE OF 167.15 FEET TO THE POINT OF CURVATURE OF A CURVE, TO THE LEFT HAVING A RADIUS OF 175.00 FEET; THENCE NORTHERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 31°27'00", A DISTANCE OF 96.06 FEET TO A POINT OF TANGENCY; THENCE N 21°18'21" W, A DISTANCE OF 201.97 FEET TO THE POINT OF CURVATURE OF A CURVE, TO THE LEFT HAVING A RADIUS OF 235.00 FEET; THENCE NORTHERLY, NORTHWESTERLY, AND WESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 59°43'00", A DISTANCE OF 244.93 FEET TO A POINT OF TANGENCY; THENCE N 81°01'21" W, A DISTANCE OF 82.51 FEET TO THE POINT OF CURVATURE OF A CURVE, TO THE RIGHT HAVING A RADIUS OF 162.00 FEET; THENCE WESTERLY, AND NORTHWESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 46°41'00", A DISTANCE OF 131.99 FEET; THENCE N 00°00'00" E, A DISTANCE OF 1055.19 FEET; THENCE S 90°00'00" E, A DISTANCE OF 1506.10 FEET TO THE POINT OF BEGINNING.

LYING AND BEING IN SECTION 26, TOWNSHIP 34 SOUTH, RANGE 16 EAST, MANATEE COUNTY, FLORIDA. CONTAINING 50.71 ACRES.



FLORIDA DEPARTMENT *of* STATE

RICK SCOTT
Governor

KEN DETZNER
Secretary of State

February 3, 2017

Honorable Angelina Coloneso
Clerk of the Circuit Court
Manatee County
Post Office Box 25400
Bradenton, Florida 34206

Attention: Quantana Acevedo, Deputy Clerk

Dear Ms. Coloneso:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of Manatee County Ordinance No. PDR-13-26(P)(R), which was filed in this office on February 3, 2017.

Sincerely,

Ernest L. Reddick
Program Administrator

ELR/lb

Manatee County Government Administrative Building
First Floor, Chambers
February 2, 2017 - 9:00 a.m.

February 2, 2017 - Land Use Meeting
Agenda Item #7

Subject

PDR-13-26(P)(R) - Neal Communities of Southwest Florida, LLC/The Estuary (fka Exclusive Residential Community) PSP Modification - DTS20160475 - MEPS213 - Quasi-Judicial - Margaret Tusing, Principal Planner

Briefings

Briefing Provided Upon Request

Contact and/or Presenter Information

Presenter:

Margaret Tusing, Principal Planner, 941-748-4501 ext. 6828

Contact:

Bobbi Roy, Planning Coordinator, 941-748-4501 ext. 6878

APPROVED in Open Session
February 2, 2017
Manatee County Board of County
Commissioners

Action Requested

RECOMMENDED MOTION:

Based upon the staff report, evidence presented, comments made at the Public Hearing, 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 ADOPT Manatee County Zoning Ordinance No. PDR-13-26(P)(R); APPROVE the Preliminary Site Plan with Stipulations A.1- A.4, B.1-B.2, C.1-C.4, D.1-D.4, and E.1; restating previously GRANTED Special Approval for a project: 1) adjacent to a perennial lake or stream; 2) containing a net density in excess of one dwelling per acre within the RES-1 Future Land use designation; 3) within the Coastal Evacuation Area Overlay (CEA); 4) within the Coastal High Hazard Area (CHHA) Overlay District; 5) within the Coastal Planning Area (CPA); as recommended by staff.

(Commissioner Jonsson)

Enabling/Regulating Authority

Manatee County Comprehensive Plan

Manatee County Land Development Code

Background Discussion

- The Applicant is requesting approval of an amended Preliminary Site Plan and stipulations approved as part of Ordinance No. PDR-13-26(P).
- The project is known as The Estuary and is located west of 99th Street Northwest and south of 9th Avenue Northwest on approximately 50.7 acres and is zoned PDR (Planned Development Residential).
- Delete previously approved Specific Approvals that are no longer necessary because of LDC revisions and/or revised project design.
- Adding a stipulation for Manatee County acceptance and maintenance of above ground utility infrastructure within the CHHA.
- Amending stipulations for compliance with current codes.
- The parcel is located in the RES-1 (residential single family, 1 dwelling unit per acre) future land use category.
- Staff recommends approval of the requested revisions.

County Attorney Review

Other (Requires explanation in field below)

Explanation of Other

Sarah Schenk reviewed and responded by email to Matter 2016-0865 on December 27, 2016.

Reviewing Attorney

Clague

Instructions to Board Records

Please forward a copy of the executed document and letter from The Florida Department of State to bobbi.roy@mymanatee.org

Cost and Funds Source Account Number and Name

N/A

Amount and Frequency of Recurring Costs

N/A

Manatee County Government Administrative Building
First Floor, Chambers
February 2, 2017 - 9:00 a.m.

Attachment: [Staff Report - The Estuary - PDR-13-26\(P\)\(R\) - 02022017 BC.pdf](#)

Attachment: [Attachment 1 - Staff Report Maps.pdf](#)

Attachment: [Attachment 2 - Newspaper Advertising.pdf](#)

Attachment: [ATTACHMENT 3 Revised Ordinance - PDR-13-26\(P\)\(R\) with CAO Revisions.pdf](#)

B.O.C.C.: 02/02/2017

PDR-13-26(P)(R) – NEAL COMMUNITIES OF SOUTHWEST FLORIDA, LLC /
THE ESTUARY (FKA EXCLUSIVE RESIDENTIAL COMMUNITY)
PSP MODIFICATION
(DTS20160475 – MEPS213)

An Ordinance of the Board of County Commissioners of Manatee County, Florida, regarding land development, to amend Ordinance PDR-13-26(P) to approve an amended Preliminary Site Plan and stipulations as previously approved by Ordinance No. PDR-13-26(P); the amendments include: deleting previously approved Specific Approvals that are no longer necessary because of LDC revisions and/or revised project design; adding a stipulation for Manatee County acceptance and maintenance of above ground utility infrastructure within the CHHA; amending stipulations for compliance with current codes; said Preliminary Site Plan pertains to property located west of 99th Street Northwest and south of 9th Avenue Northwest, Bradenton on approximately 50.7 acres in the PDR (Planned Development Residential) zoning district; subject to stipulations as conditions of approval; setting forth findings; providing a legal description; providing for severability, and providing an effective date.

B.O.C.C.: 02/02/2017

RECOMMENDED MOTION:

Based upon the staff report, evidence presented, comments made at the Public Hearing, 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 ADOPT Manatee County Zoning Ordinance No. PDR-13-26(P)(R); APPROVE the Preliminary Site Plan with Stipulations A.1- A.4, B.1– B.2, C.1–C.4, D.1–D.4, and E.1; restating previously GRANTED Special Approval for a project: 1) adjacent to a perennial lake or stream; 2) containing a net density in excess of one dwelling per acre within the RES-1 Future Land use designation; 3) within the Coastal Evacuation Area Overlay (CEA); 4) within the Coastal High Hazard Area (CHHA) Overlay District; 5) within the Coastal Planning Area (CPA); as recommended by staff.

(Commissioner Jonsson)

PROJECT SUMMARY	
CASE	PDR-13-26 (P)(R) - (DTS20160475 – MEPS213)
PROJECT NAME	The Estuary (FKA Exclusive Residential Community)
GENERAL LOCATION	West of 99 th Street NW and south of 9 th Avenue NW
APPLICANT(S)	Neal Communities of Southwest Florida, LLC
EXISTING ZONING	PDR (Planned Development Residential)
FUTURE LAND USE CATEGORY	RES-1 (Residential Single Family, 1 dwelling unit per acre)
ACREAGE	50.7 ± acres
ACCESS	9 th Avenue NW to 99 th Street NW
PREVIOUSLY GRANTED SPECIAL APPROVAL(S)	<ul style="list-style-type: none"> • Development resulting in a net density in excess of 1 dwelling unit per acre within the RES-1 designation – Comprehensive Plan Policy 2.2.1.9.4.d • Development within the Coastal Evacuation Area (CEA) Overlay – Comprehensive Plan Policy 2.2.2.4.4 • Development within the Coastal High Hazard (CHH) Overlay – Comprehensive Plan Policy 2.2.2.5.4 • Development within the Coastal Planning Area (CPA) – Comprehensive Plan Policy 4.4.2.2 • Adjacency to a Perennial Lake or Stream – Comprehensive Plan Policy 3.2.2.1
CASE MANAGER	Margaret Tusing
STAFF RECOMMENDATION	APPROVAL of Requested Revisions
DETAILED DISCUSSION	
<p>History The Preliminary Site Plan and Zoning Ordinance [PDR-13-26(P)] to allow 50 single family detached residences on 50.7± acres was approved by the Board of County Commissioners on March 6, 2014. Subsequent to that approval, the Applicant filed a Preliminary Plat/Final Site Plan application [PDR-13-26/13-S-44(P)/FSP-13-75] which was administratively approved on June 20, 2014. A Modification to the approved Preliminary Plat/Final Site Plan [PDR-13-26/13-S-44(P)(R)/FSP-13-75(R)] was administratively approved on May 13, 2016.</p> <p>Current Request</p>	

In the 2014 PSP approval, several Specific Approvals were requested and granted by the BOCC. Subsequent to the approval, either the Land Development Code (LDC) was revised or the Applicant designed the project to meet the minimum standards of the LDC therefore negating the reason for the Specific Approval. Additionally, the Applicant is requesting that the utilities within this project be publicly maintained. Stipulation B.1 has been added to ensure that the minimum elevation for the utility infrastructure is met.

STAFF SUMMARY, ANALYSIS AND RECOMMENDED CHANGES

Applicant Requests

1. Delete the following Specific Approvals that were granted in 2014.
 - **LDC Section 700.3.1.7 – Required Tree Replacement Caliper (formerly LDC Section 714.8.7).** LDC Section 700.3.1.7 provides for the tree replacement caliper that the Applicant was requesting in 2014; therefore, a Specific Approval is no longer necessary.
 - **LDC Section 800.8.C – Lot Shape (formerly LDC Section 907.7.3).** This project has received Preliminary Plat and Final Site Plan Approval [PDR-13-26/13-S-44(P)(R)/FSP-13-75(R)] and the lots subject to the 2014 Specific Approval meet the lot shape requirements of the LDC; therefore, a Specific Approval is no longer necessary.
 - **LDC Section 710.1.5.1.2 – Backing into right-of-way and angled parking spaces.** The canoe/kayak launch and parking is not shown on the approved FSP; therefore, a Specific Approval is no longer necessary. A nature trail and site design taking advantage of views and vistas of the natural landscape, along with a sidewalk connection to the adjacent Robinson Preserve are now the focal points of the Estuary community.
 - **LDC Section 1001.4.A. – Private Street Requirements (formerly LDC Section 740.2.5).** The approved FSP/Construction Plans does not include low impact design (LID) elements; rather, the approved design is a more traditional roadway and stormwater system. Therefore, a Specific Approval is no longer necessary.

Staff Analysis

The previously requested and approved Specific Approvals were not utilized during the design of the project in the Preliminary Plat and Final Site Plan stages; therefore, there it is not necessary to carry forward the Specific Approvals in this revised Ordinance PDR-13-26(P)(R).

Stipulation A.2 is also being revised. The stipulation language is revised to more accurately reflect the actual design approved as part of the FSP. Low impact design (LID) was replaced in favor of a more traditional drainage design and street system. Reference to “private” utility system is also deleted because the Applicant is proposing a public utility system (see Stipulation B.1).

Staff Recommendation

Staff recommends APPROVAL of the requested deletions.

2. County acceptance of ownership and maintenance responsibility for utility infrastructure located within the CHHA.

Staff Analysis

When this project was originally approved in 2014, the County did not accept ownership and maintenance responsibility for infrastructure in the CHHA. However, the Utilities Department and Utility Engineering have determined that if the above ground utility infrastructure such as man hole rims, lift station wet well hatch, fire hydrants, etc. is designed and built at an elevation above the Category 1 SLOSH Model Elevation for the project site, then the County will accept ownership and maintenance responsibility.

Stipulation B.1 includes the minimum elevation (4.8' NAVD88) that the above ground utility infrastructure must meet in order for the County to accept ownership and maintenance responsibilities for utilities located within the CHHA.

Staff Recommendation

Staff recommends APPROVAL of Stipulation B.1

Staff Request

3. Staff is requesting that Stipulation B.2 be added so that Ordinance 13-26(P)(R) is consistent with the language currently utilized by Utility Engineering.

REVISIONS TO PREVIOUSLY APPROVED STIPULATIONS

A. LAND USE AND DESIGN STIPULATIONS

1. A Hurricane Evacuation Plan shall be prepared and submitted for approval at the time of Final Site Plan/Preliminary Plat submittal. This plan shall be provided to both Public Safety and Building and Development Services for review and approval.
2. A Homeowner's Association, responsible for the maintenance of all common areas and facilities, including the private street network, ~~private utility systems, and performance monitoring of the proposed rain garden and other associated low impact design elements~~ shall be established for this development. The Homeowner's Association documents shall be reviewed in conjunction with the Final Plat submittal.
3. No lots shall be platted through any greenbelt, landscape buffer, retention pond, wetland, or wetland buffer.
4. The design and maintenance of the roadway and perimeter buffers will be based on a unified landscape plan, in conjunction with the Robinson Preserve expansion.

B. INFRASTRUCTURE STIPULATIONS

1. In order for Manatee County to assume ownership and maintenance responsibility for sanitary sewer, potable water, and reclaimed water hereinafter collectively referred to as "Utility Infrastructure" installed at, above, or below ground within The Estuary project, all Utility Infrastructure installed at or above ground shall be a minimum elevation of 4.8' NAVD88. This elevation is based on the Florida Statewide Regional Evacuation Study Program, Storm Tide Atlas for Manatee County, Book 2 of 4, Volume 7.
 2. 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 the County Engineer through the construction plans review process for the project.
- ~~1. The project will be required to connect to Central Potable Water, through a Master Meter, and Sanitary Sewer. All connections shall be provided at the developer's expense.~~

C. STORMWATER STIPULATIONS

1. Impervious area from lots and streets shall be treated within proposed stormwater management facilities prior to discharge into Outstanding Florida Waters (OFW) and Robinson Preserve.
2. This project shall be required to provide 150% water quality for Palma Sola Bay/Sarasota Bay Outstanding Florida Waters (OFW).
3. Structures elevated on stem walls may not be portioned into separate rooms except for entry/foyer below the Flood Protection Elevation (BFE plus 1 foot). The area may only be used for vehicle parking, storage, and entry/access to the habitable floor. Flood resistant materials required below the FPE. Flood vents (1 square inch for every square foot of enclosure) required below the FPE.
4. All proposed roadways shall be constructed so as to be above the 100-year design storm elevation based upon rainfall. The design storm elevation will be established utilizing drainage modeling of the internal stormwater system approved by Public Works Department.

D. ENVIRONMENTAL STIPULATIONS

1. There are Bald Eagle nests adjacent to this project. Final Site Plans shall be designed in accordance with the “Bald Eagle Management Plan,” as adopted April 2008, by the Florida Fish and Wildlife Commission. If not in compliance with the “management plan,” copies of applicable permits shall be provided to EPD staff for review prior to Final Site Plan approval.
2. Prior to Final Site Plan approval, the entire site should 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, a further investigation will be required to determine the level of contamination and appropriate remediation/mitigative measures.
3. A Construction Water Quality Monitoring Program is required at the time of Final Site Plan submittal. Proposed sampling locations are required to be included in the ESCP information on the Final Site Plan in accordance with Land Development Code Section ~~355.519~~.
4. 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); and
 - The final disposition of the well – used, capped, or plugged.

E. NOTICES

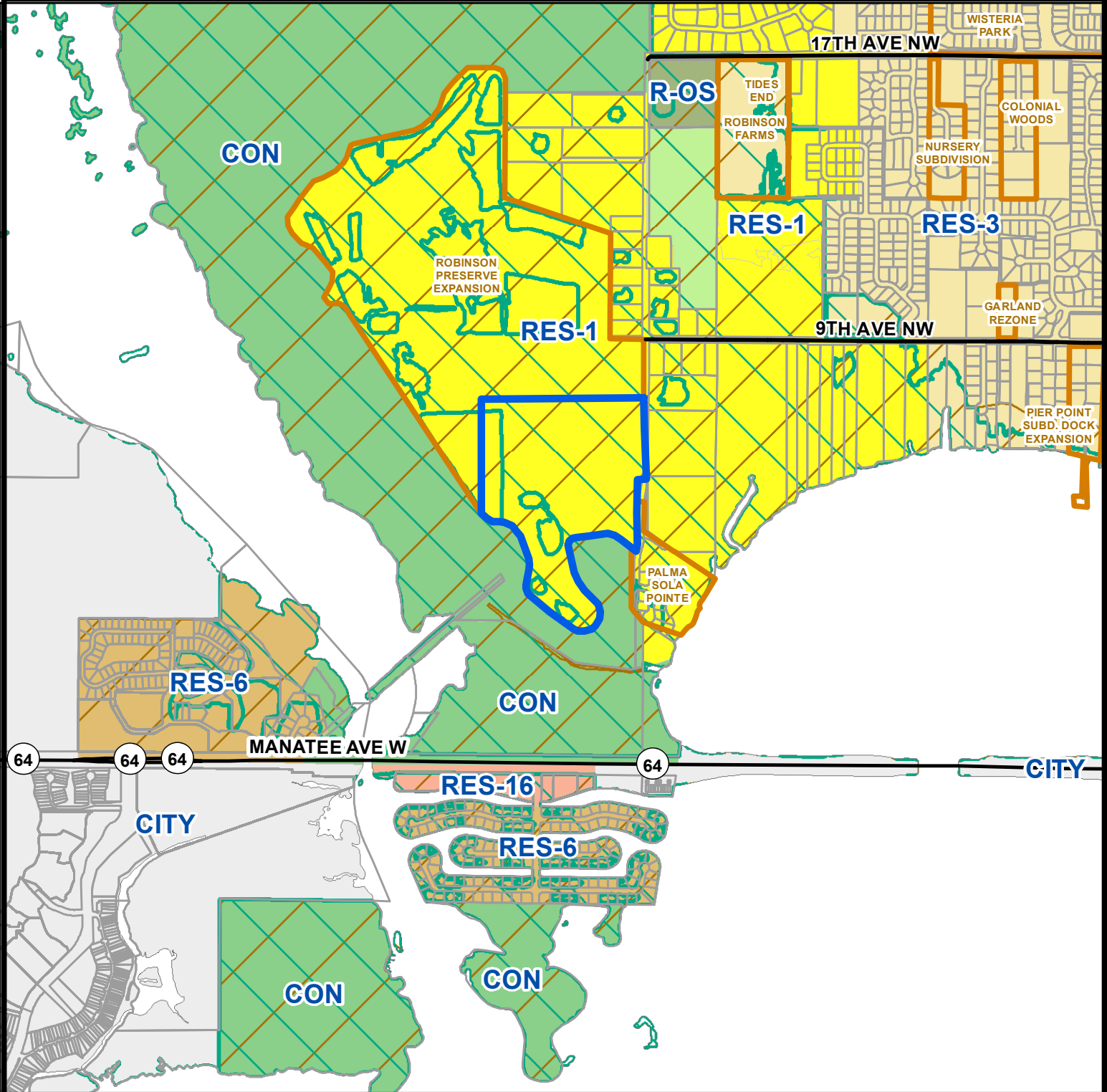
1. A Notice to Buyers shall be included in the Declaration of Covenants and Restrictions, in a separate addendum to the sales contract, and in the Final Site. The Notice to Buyers shall include language informing prospective home buyers of the following:
 - a) The property is located within a CHHA Overlay District, CPA and CEA area;
 - b) Portions of the site are within the pre-development 100-year and 25-year floodplains and may be subject to flooding. Proposed subdivided lots are to be graded such that the residences will be located outside of the post-development 100-year and 25-year floodplain. As a result of this location, additional Flood Insurance may be required of the future residents.

- c) For Lots 12 and 13, that there is a 20 foot access (pedestrian and transportation) easement that crosses their lots that reaches the lakes.
- d) Residents in the future subdivision will be subject to a Hurricane Evacuation Plan that will be approved by the Emergency Management Division of the Public Safety Department at the time of Final Site Plan submittal.

ATTACHMENTS

- 1. Maps – Future Land Use, Zoning, and Aerials**
- 2. Newspaper Advertising**
- 3. Ordinance No. 13-26(P)(R)**

FUTURE LAND USE





Parcel ID #(s) 7334602009

Project Name: The Estuary
 Project #: PDR-13-26 (P)(R)
 DTS#: 20160475
 Proposed Use:

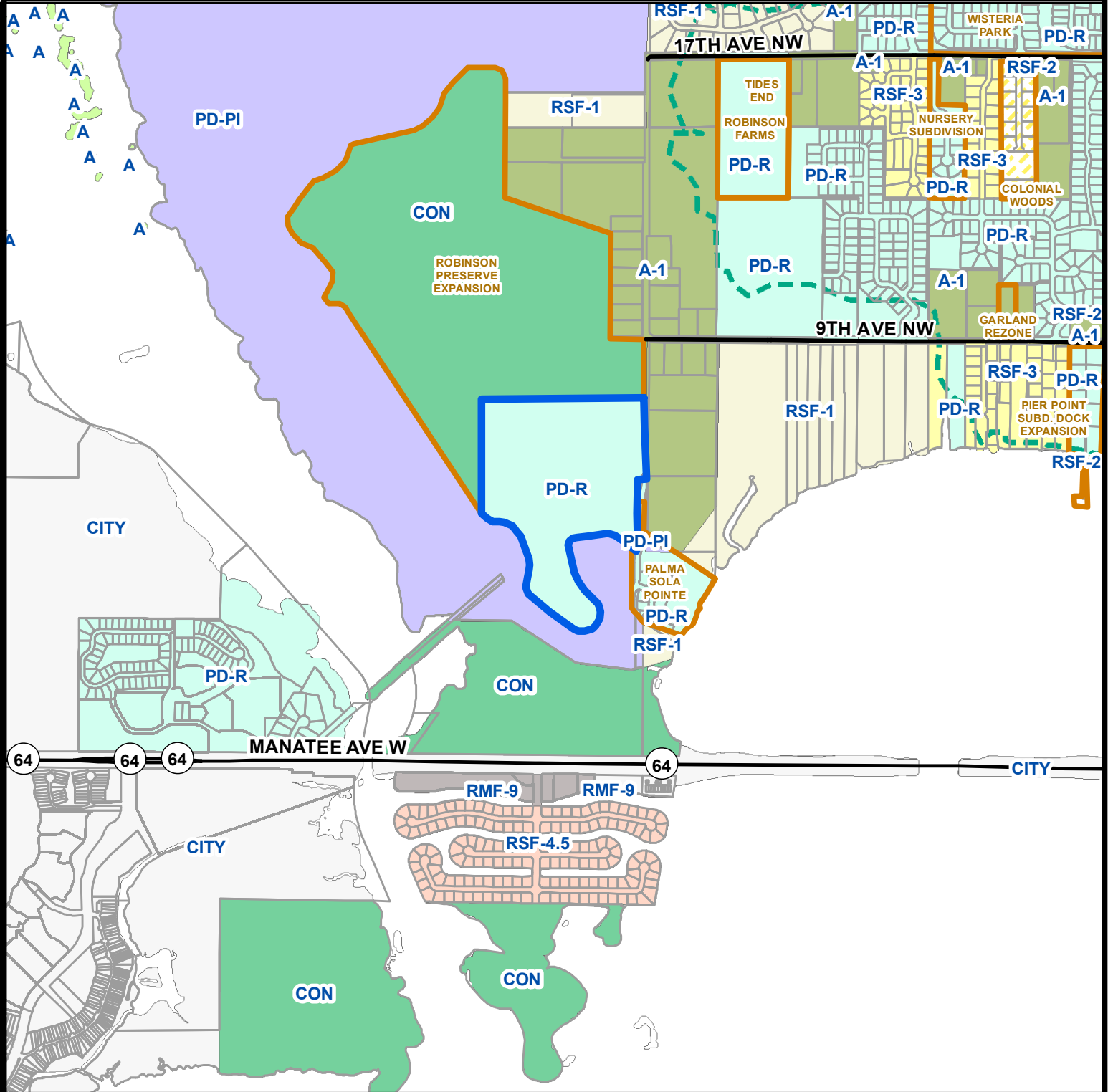
S/T/R: Sec 26 Twn 34 Rng 16
 Acreage: 50.71
 Existing Zoning: PD-R
 Existing FLU: RES-1
 Overlays: NONE
 Special Areas: Greenway

CHH: Y
 Watershed: NONE
 Drainage Basin: DIRECT RUNOFF TO BAY
 Commissioner: Stephen Jonsson

 CHHA
 Coastal Evacuation Area

Manatee County
 Staff Report Map
 Map Prepared 12/8/2016
 1 inch = 1,287 feet

ZONING



Parcel ID #(s) 7334602009

Project Name: The Estuary
 Project #: PDR-13-26 (P)(R)
 DTS#: 20160475
 Proposed Use:

S/T/R: Sec 26 Twn 34 Rng 16
 Acreage: 50.71
 Existing Zoning: PD-R
 Existing FLU: RES-1
 Overlays: NONE
 Special Areas: Greenway

CHH: Y
 Watershed: NONE
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 Commissioner: Stephen Jonsson

Manatee County
 Staff Report Map
 Map Prepared 12/8/2016
 1 inch = 1,287 feet

AERIAL



Parcel ID #(s) 7334602009

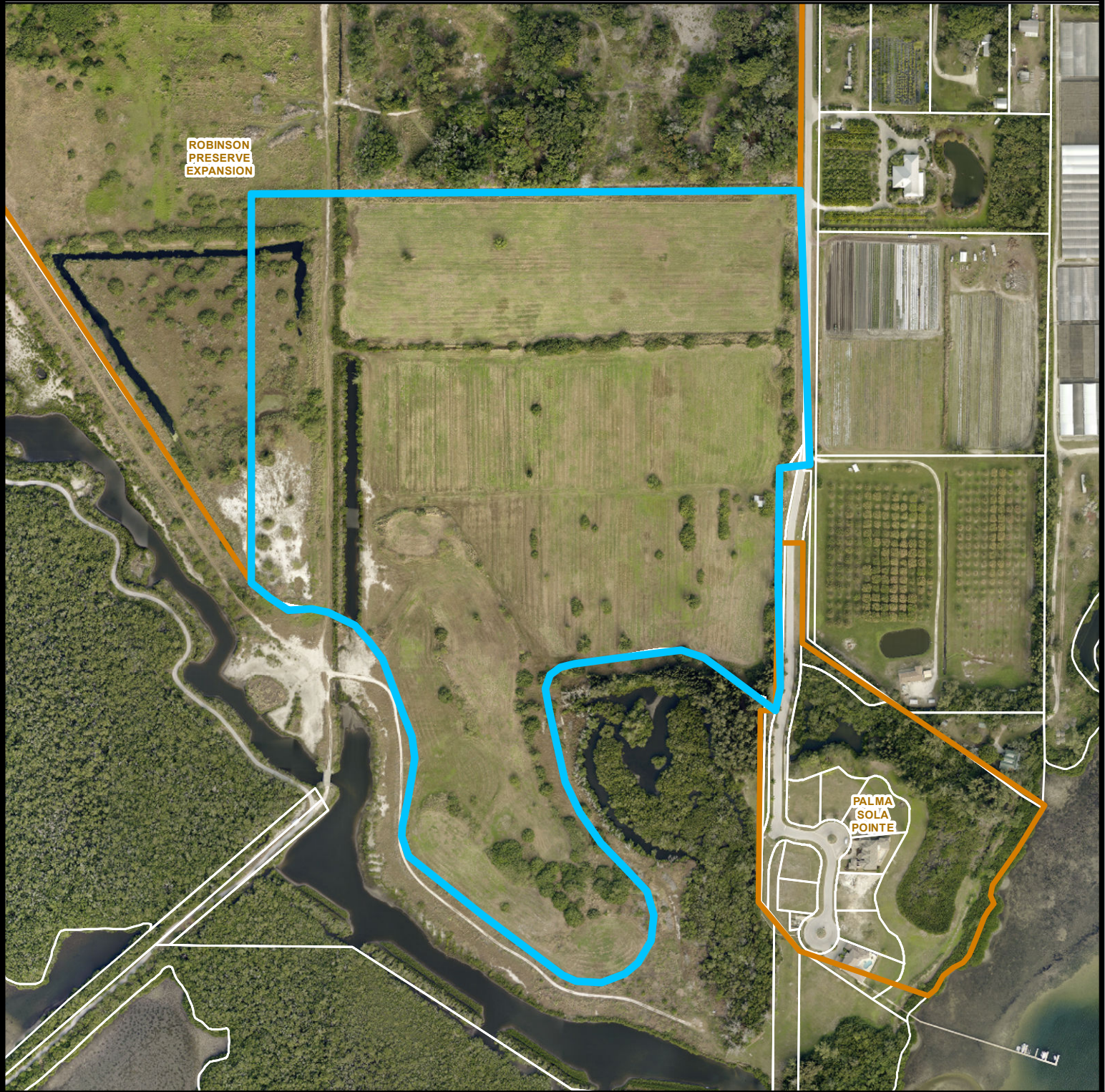
Project Name: The Estuary
 Project #: PDR-13-26 (P)(R)
 DTS#: 20160475
 Proposed Use:

S/T/R: Sec 26 Twn 34 Rng 16
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 Existing FLU: RES-1
 Overlays: NONE
 Special Areas: Greenway

CHH: Y
 Watershed: NONE
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 Commissioner: Stephen Jonsson

Manatee County
 Staff Report Map
 Map Prepared 12/8/2016
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AERIAL



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Manatee County
Staff Report Map

Map Prepared 12/8/2016

1 inch = 379 feet

Bradenton Herald
Jan. 18, 2017
Miscellaneous Notices

**NOTICE OF ZONING CHANGES IN UNINCORPORATED
MANATEE COUNTY**

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PDC-16-04(Z)(P) - IMPERIAL LAKES GOLF CLUB HOMESITES, INC. / GCI PARCEL B, LLC / IMPERIAL RENAISSANCE, LLC (PROPERTY OWNER) / PRIMERICA GROUP (CONTRACT PURCHASER) / IMPERIAL LAKES COMMERCIAL - DTS20160136 - MEPS541

An Ordinance of the Board of County Commissioners of Manatee County, Florida, regarding land development, amending the official zoning atlas (Ordinance 15-17, as amended, the Manatee County Land Development Code), relating to zoning within the unincorporated area; providing for a rezone of approximately 13.23 acres of a 33.12 acre total project area from PDR (Planned Development Residential) to the PDC (Planned Development Commercial) zoning district, of which approximately 19.89 acres is already zoned PDC (Planned Development Commercial) generally located south of Buffalo Road and east of I-75, and commonly known as 9680 Buffalo Road, Palmetto (Manatee County); approving a Preliminary Site Plan for a commercial / retail shopping center containing approximately 201,000 square feet (138,651 square feet of commercial/retail and 61,380 square feet for a 118-room hotel); approving a Schedule of Uses, as voluntarily proffered by the Applicant and attached as Exhibit B; subject to stipulations as conditions of approval; setting forth findings; repealing ordinances in conflict; providing a legal description; providing for severability, and providing an effective date.

PDC-16-09(Z)(G) - FLORIDIAN PROPERTIES, INC. / RCCW DEVELOPMENT - DTS20160203

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PDMU-15-19(G) - I-75 OFFICE PARK, LLC / I-75 OFFICE PARK - DTS20150347 - MEPS488

An Ordinance of the Board of County Commissioners of Manatee County, Florida, regarding land development, approving a General Development Plan to allow for three development options on a 19.17ñ acre site: Option A to consist of 99,516 square feet of office use space, Option B to consist of 33,200 square feet of office use space and a 234-bed assisted living facility, or Option C to consist of 160 multi-family residential units. The site is zoned PDMU/WP-E/ST (Planned Development Mixed Use/Watershed Protection Evers/Special Treatment Overlay Districts), located east of I-75 and approximately 250 feet west of Town Center Parkway at 8915, 8925, 8935, 8945, 8956, and 8966 77th Terrace East, Bradenton (Manatee County); subject to stipulations as conditions of approval; setting forth findings; providing a legal description; providing for severability, and providing an effective date.

PDR-04-39(G)(R2) - THE CONCESSION GOLF CLUB HELISTOP - DTS20150075 - MEPS222
An Ordinance of the Board of County Commissioners of Manatee County, Florida, regarding land development, approving a revised Zoning Ordinance and General Development Plan to: a) designate Tract 801 (owned by The Concessions) as recreation; and b) allow a private helistop as an accessory use to serve the golf course, and delete stipulation 30 which prohibits a helipad at the golf course property (506.35ñ acres). The private helistop is approximately 100 feet northeast of the existing clubhouse in the PDR/WP-E/ST (Planned Development Residential/Evers Reservoir Watershed Protection/Special Treatment) zoning district. The Concession Golf Club is on the south side of S.R 70, east of Lorraine Road and west of Panther Ridge Subdivision, which is commonly known as 7700 Lindrick Lane, Bradenton (Manatee County); subject to stipulations as conditions of approval; setting forth findings; providing for severability; providing a legal description, and providing an effective date.

PDR-13-26(P)(R) - NEAL COMMUNITIES OF SOUTHWEST FLORIDA, LLC /THE ESTUARY (FKA EXCLUSIVE RESIDENTIAL COMMUNITY) PSP MODIFICATION - DTS20160475 - MEPS213
An Ordinance of the Board of County Commissioners of Manatee County, Florida, regarding land development, to amend Ordinance PDR-13-26(P) to approve an amended Preliminary Site Plan and stipulations as previously approved by Ordinance No. PDR-13-26(P); the amendments include: deleting previously approved Specific Approvals that are no longer necessary because of LDC revisions and/or revised project design; adding a stipulation for Manatee County acceptance and maintenance of above ground utility infrastructure within the CHHA; amending stipulations for compliance with current codes; said Preliminary Site Plan pertains to property located west of 99th Street Northwest and south of 9th Avenue Northwest, Bradenton on approximately 50.7 acres in the PDR (Planned Development Residential) zoning district; subject to stipulations as conditions of approval; setting forth findings; providing a legal description; providing for severability, and providing an effective date.

Z-16-07 - ROBIN'S APARTMENTS, LLC - DTS20160341 / MEPS589
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MANATEE COUNTY BOARD OF COUNTY COMMISSIONERS
Manatee County Building and Development Services Department
Manatee County, Florida
1/18/17

Sarasota Herald-Tribune

Jan. 18, 2017

Miscellaneous Notices

NOTICE OF ZONING CHANGES IN UNINCORPORATED MANATEE COUNTY

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PDC-16-09(Z)(G) - FLORIDIAN PROPERTIES, INC. / RCCW DEVELOPMENT - DTS20160203

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PDR-13-26(P)(R) - NEAL COMMUNITIES OF SOUTHWEST FLORIDA, LLC /THE ESTUARY (FKA EXCLUSIVE RESIDENTIAL COMMUNITY) PSP MODIFICATION - DTS20160475 - MEPS213

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Z-16-07 - ROBIN'S APARTMENTS, LLC - DTS20160341 / MEPS589

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ADJOURNMENTS.

MANATEE COUNTY BOARD OF
COUNTY COMMISSIONERS
Manatee County Building and
Development Services Department
Manatee County, Florida

Date of pub: Jan. 18, 2017

BRADENTON HERALD

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P.O. Box 921
Bradenton, FL 34206-0921
1111 3rd Ave. W.
Bradenton, FL 34205
941-746-7077

Bradenton Herald
Published Daily
Bradenton, Manatee County, Florida

STATE OF FLORIDA
COUNTY OF MANATEE

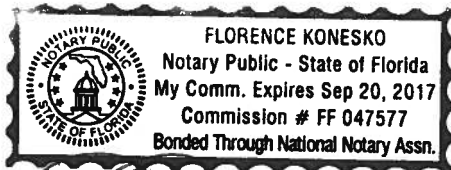
Before the undersigned authority personally appeared Kerry Moen, who, on oath, says that she is a Legal Advertising Representative of The Bradenton Herald, a daily newspaper published at Bradenton in Manatee County, Florida; that the attached copy of the advertisement, being a Legal Advertisement in the matter **Notice of Zoning Changes in Unincorporated Manatee County** was published in said newspaper in the issue(s) **1/18/17**.


Affidavit further says that the said publication is a newspaper published at Bradenton, in said Manatee County, Florida, and that the said newspaper has heretofore been continuously published in said Manatee County, Florida, each day and has been entered as second-class mail matter at the post office in Bradenton, in said Manatee County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that she has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.


(Signature of Affiant)

Sworn to and subscribed before me this

18 Day of Jan., 2017




SEAL & Notary Public

Personally Known OR Produced Identification
Type of Identification Produced _____

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PDR-13-26(P)(R) - NEAL COMMUNITIES OF SOUTHWEST FLORIDA, LLC /THE ESTUARY (FKA EXCLUSIVE RESIDENTIAL COMMUNITY) PSP MODIFICATION - DTS20160476 - MEPS213

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MANATEE COUNTY BOARD OF COUNTY COMMISSIONERS
Manatee County Building and Development Services Department
Manatee County, Florida
1/18/17

AFFIDAVIT OF PUBLICATION

SARASOTA HERALD-TRIBUNE
PUBLISHED DAILY
SARASOTA, SARASOTA COUNTY, FLORIDA

STATE OF FLORIDA
COUNTY OF MANATEE

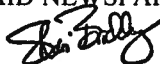
BEFORE THE UNDERSIGNED AUTHORITY PERSONALLY APPEARED SHARI BRICKLEY, WHO ON OATH SAID SHE IS DIRECTOR OF ADVERTISING FOR THE SARASOTA HERALD-TRIBUNE, A DAILY NEWSPAPER PUBLISHED AT SARASOTA, IN SARASOTA COUNTY FLORIDA; AND CIRCULATED IN MANATEE COUNTEE DAILY; THAT THE ATTACHED COPY OF ADVERTISEMENT BEING A NOTICE IN THE MATTER OF:

Legal description documented below:

IN THE COURT WAS PUBLISHED IN THE MANATEE EDITION OF SAID NEWSPAPER IN THE ISSUES OF:

1/18 1x

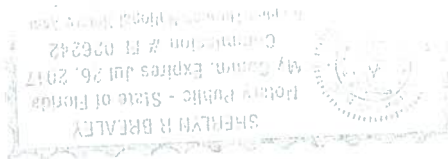
AFFIANT FURTHER SAYS THAT THE SAID SARASOTA HERALD-TRIBUNE IS A NEWSPAPER PUBLISHED AT SARASOTA, IN SAID SARASOTA COUNTY, FLORIDA, AND THAT THE SAID NEWSPAPER HAS THERETOFORE BEEN CONTINUOUSLY PUBLISHED IN SAID SARASOTA COUNTY, FLORIDA, EACH DAY, AND HAS BEEN ENTERED AS SECOND CLASS MAIL MATTER AT THE POST OFFICE IN BRADENTON, IN SAID MANATEE COUNTY, FLORIDA, FOR A PERIOD OF ONE YEAR NEXT PRECEDING THE FIRST PUBLICATION OF THE ATTACHED COPY OF ADVERTISEMENT; AND AFFIANT FURTHER SAYS THAT SHE HAS NEITHER PAID NOR PROMISED ANY PERSON, FIRM OR CORPORATION ANY DISCOUNT, REBATE, COMMISSION OR REFUND FOR THE PURPOSE OF SECURING THIS ADVERTISEMENT FOR PUBLICATION IN THE SAID NEWSPAPER.



SIGNED _____

SWORN OR AFFIRMED TO, AND SUBSCRIBED BEFORE ME THIS 18 DAY OF Jan, A.D., 2017
BY SHARI BRICKLEY WHO IS PERSONALLY KNOWN TO ME.


Notary Public



NOTICE OF ZONING CHANGES IN UNINCORPORATED MANATEE COUNTY

NOTICE IS HEREBY GIVEN that the Board of County Commissioners of Manatee County will conduct a Public Hearing on Thursday, February 2, 2017, at 9:00 a.m., at the Manatee County Government Administrative Center, 1st Floor Chambers, 1112 Manatee Avenue West, Bradenton, Florida, to consider and act upon the following matters:

PDC-16-04(Z)(P) – IMPERIAL LAKES GOLF CLUB HOMESITES, INC. / GC1 PARCEL B, LLC / IMPERIAL RENAISSANCE, LLC (PROPERTY OWNER) / PRIMERICA GROUP (CONTRACT PURCHASER) / IMPERIAL LAKES COMMERCIAL - DTS20160136 – MEPS541

An Ordinance of the Board of County Commissioners of Manatee County, Florida, regarding land development, amending the official zoning atlas (Ordinance 15-17, as amended, the Manatee County Land Development Code), relating to zoning within the unincorporated area; providing for a rezone of approximately 13.23 acres of a 33.12 acre total project area from PDR (Planned Development Residential) to the PDC (Planned Development Commercial) zoning district, of which approximately 19.89 acres is already zoned PDC (Planned Development Commercial) generally located south of Buffalo Road and east of I-75, and commonly known as 9680 Buffalo Road, Palmetto (Manatee County); approving a Preliminary Site Plan for a commercial / retail shopping center containing approximately 201,000 square feet (138,651 square feet of commercial/retail and 61,380 square feet for a 118-room hotel); approving a Schedule of Uses, as voluntarily proffered by the Applicant and attached as Exhibit B; subject to stipulations as conditions of approval; setting forth findings; repealing ordinances in conflict; providing a legal description; providing for severability, and providing an effective date.

PDC-16-09(Z)(G) – FLORIDIAN PROPERTIES, INC. / RCCW DEVELOPMENT - DTS20160203

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, as amended), relating to zoning within the unincorporated area; providing for a rezone of approximately 9.75 acres generally located southeast and southwest corners of SR 64 East and School House Road and north of the Lena Road Landfill property, and commonly known as 9500, 9516, 9602, 9616, and 9612 SR 64 East, Bradenton (Manatee County) from A-1 (Agricultural Suburban), NC-S (Neighborhood Commercial - Small), LM (Light Manufacturing) and PDI (Planned Development - Industrial) to the PDC (Planned Development Commercial) zoning district; approving a General Development Plan for a general retail/commercial development totaling approximately 51,000 square feet; approving a Schedule of Uses, as voluntarily proffered by the Applicant and attached as Exhibit B; subject to stipulations as conditions of approval; setting forth findings; providing a legal description; providing for severability, and providing an effective date.

PDMU-15-19(G) – I-75 OFFICE PARK, LLC / I-75 OFFICE PARK - DTS20150347 - MEPS488

An Ordinance of the Board of County Commissioners of Manatee County, Florida, regarding land development, approving a General Development Plan to allow for three development options on a 19.17± acre site: Option A to consist of 99,516 square feet of office use space, Option B to consist of 33,200 square feet of office use space and a 234-bed assisted living facility, or Option C to consist of 180 multi-family residential units. The site is zoned PDMU/WP-E/ST (Planned Development Mixed Use/Watershed Protection Evers/Special Treatment Overlay Districts), located east of I-75 and approximately 250 feet west of Town Center Parkway at 8915, 8925,

8935, 8945, 8956, and 8966 77th Terrace East, Bradenton (Manatee County); subject to stipulations as conditions of approval; setting forth findings; providing a legal description; providing for severability, and providing an effective date.

PDR-04-39(G)(R2) – THE CONCESSION GOLF CLUB HELISTOP - DTS20150075 - MEPS222

An Ordinance of the Board of County Commissioners of Manatee County, Florida, regarding land development, approving a revised Zoning Ordinance and General Development Plan to: a) designate Tract 801 (owned by The Concessions) as recreation; and b) allow a private helistop as an accessory use to serve the golf course, and delete stipulation 30 which prohibits a helipad at the golf course property (506.35± acres). The private helistop is approximately 100 feet northeast of the existing clubhouse in the PDR/WP-E/ST (Planned Development Residential/Evers Reservoir Watershed Protection/Special Treatment) zoning district. The Concession Golf Club is on the south side of S.R 70, east of Lorraine Road and west of Panther Ridge Subdivision, which is commonly known as 7700 Lindrick Lane, Bradenton (Manatee County); subject to stipulations as conditions of approval; setting forth findings; providing for severability; providing a legal description, and providing an effective date.

PDR-13-26(P)(R) – NEAL COMMUNITIES OF SOUTHWEST FLORIDA, LLC / THE ESTUARY (FKA EXCLUSIVE RESIDENTIAL COMMUNITY) PSP MODIFICATION - DTS20160475 - MEPS213

An Ordinance of the Board of County Commissioners of Manatee County, Florida, regarding land development, to amend Ordinance PDR-13-26(P) to approve an amended Preliminary Site Plan and stipulations as previously approved by Ordinance No. PDR-13-26(P); the amendments include: deleting previously approved Specific Approvals that are no longer necessary because of LDC revisions and/or revised project design; adding a stipulation for Manatee County acceptance and maintenance of above ground utility infrastructure within the CHHA; amending stipulations for compliance with current codes; said Preliminary Site Plan pertains to property located west of 99th Street Northwest and south of 9th Avenue Northwest, Bradenton on approximately 50.7 acres in the PDR (Planned Development Residential) zoning district; subject to stipulations as conditions of approval; setting forth findings; providing a legal description; providing for severability, and providing an effective date.

Z-16-07 – ROBIN'S APARTMENTS, LLC - DTS20160341 / MEPS589

An Ordinance of the Board of County Commissioners of Manatee County, Florida, amending the official zoning atlas (Ordinance 15-17, the Manatee County Land Development Code), relating to zoning within the unincorporated area; providing for the rezoning of approximately 7.39 acres located on the east side of 1st Street East and south of U.S. 301, commonly known as 2303 1st Street East, Bradenton (Manatee County) from PDC (Planned Development Commercial) to the GC (General Commercial) zoning district; setting forth findings proving a legal description; providing for severability, and providing an effective date.

Interested parties may examine the proposed Ordinance and related documents and may obtain assistance regarding this matter from the Manatee County Building and Development Services Department, 1112 Manatee Avenue West, 4th Floor, Bradenton, Florida; telephone number (941) 748-4501 x6878; e-mail to: planning.agenda@mymanatee.org

According to Florida Statutes, Section 286.0105, any person desiring to appeal any decision made by the Board of County Commissioners with respect to any matter considered at said Public Hearing will need a record of the proceedings, and for such purposes he

may need to ensure that a verbatim record of the proceedings is made, which includes the testimony and evidence upon which the appeal is to be based.

Americans with Disabilities: The Board of County Commissioners does not discriminate upon the basis of any individual's disability status. This non-discrimination policy involves every aspect of the Board's functions including one's access to and participation in public hearings. Anyone requiring reasonable accommodation for this meeting as provided for in the ADA, should contact Kaycee Ellis at 742-5800; TDD ONLY 742-5802 and wait 60 seconds, or FAX 745-3790.

THIS HEARING MAY BE CONTINUED FROM TIME TO TIME PENDING ADJOURNMENTS.

MANATEE COUNTY BOARD OF COUNTY COMMISSIONERS
Manatee County Building and Development Services Department
Manatee County, Florida

Date of pub: Jan. 18, 2017

**AFFIDAVIT OF POSTING OF PUBLIC NOTICE SIGN, AND
NOTIFICATION BY U.S. MAIL TO CONTIGUOUS PROPERTY OWNERS**

STATE OF Florida

COUNTY OF Sarasota

BEFORE ME, the undersigned authority, personally appeared Katie LaBarr, AICP, who, after having first been duly sworn and put upon oath, says as follows:

1. That he/she is the Agent for Owner (~~owner, agent for owner, attorney in fact for owner, etc.~~) of the property identified in the application for **PDR-13-26(P)(R) – NEAL COMMUNITIES OF SOUTHWEST FLORIDA, LLC / THE ESTUARY (FKA EXCLUSIVE RESIDENTIAL COMMUNITY) PSP MODIFICATION – DTS20160475 – MEPS213** to be heard before the **Manatee County Board of County Commissioners** at a public hearing to be held on **February 2, 2017**, and as such, is authorized to execute and make this Affidavit and is familiar with the matters set forth herein, and they are true to the best of his/her knowledge, information, and belief.

2. That the Affiant has caused the required public notice sign to be posted pursuant to Manatee County Ordinance No. 90-01, on the property identified in the application, and the sign(s) was conspicuously posted 10 feet from the front property line on the 18th day of January, 2017.

3. That the Affiant has caused the mailing of the required letter of notification to property owners within five hundred (500) feet of the project boundary pursuant to Manatee County Ordinance No. 15-17, as amended, by U.S. Mail, on the 17th day of January, 2017, and attaches hereto, as a part of and incorporated herein, a complete list of the names and addresses of the persons entitled to notice.

4. That Affiant is aware of an understands that failure to adhere to the provisions of Manatee County Ordinance No. 90-01, as it relates to the required public notice, may cause the above identified hearing to be postponed and rescheduled only upon compliance with the public notice requirements.

FURTHER YOUR AFFIANT SAITH NOT.

Katie LaBarr
Property Owner/Agent Signature

SIGNED AND SWORN TO before me on 17 January 2017 (date) by Katie LaBarr, AICP
(name of affiant). He/she is personally known to me or has produced _____
(type of identification) as identified and who did take an oath.



Laura J. Mooneyham
Signature of Person Taking Acknowledgement

Laura J. Mooneyham
Type Name

My Commission Expires: October 23, 2017

N/A
Title or Rank

Commission No. FF 030378

N/A
Serial Number, if any

OWNER	OWNER ADDRESS	OWNER CITY	OWNER ST	OWNER ZIP
MANATEE COUNTY	P O BOX 1000	BRADENTON	FL	34206
MANATEE COUNTY	P O BOX 1000	BRADENTON	FL	34206
MANATEE COUNTY	P O BOX 1000	BRADENTON	FL	34206
MANATEE COUNTY	PO BOX 1000	BRADENTON	FL	34206
MANATEE COUNTY	PO BOX 1000	BRADENTON	FL	34206
MANATEE COUNTY	PO BOX 1000	BRADENTON	FL	34206
YUN,CHANGSU	7026 SITIO CORAZON	CARLSBAD	CA	92009
PALMA SOLA LLC	9009 17TH AVE NW	BRADENTON	FL	34209
PALMA SOLA LLC	9009 17TH AVE NW	BRADENTON	FL	34209
JONES,NEEDHAM B	707 99TH ST NW	BRADENTON	FL	34209
COX,WILLIAM A	2110 18TH AVE W	BRADENTON	FL	34205
CHRISTENBERRY,LORETTA	603 99TH ST NW	BRADENTON	FL	34209
ORBAN,MARTIN L	9607 9TH AVE NW	BRADENTON	FL	34209
TIITF	PALMA SOLA BAY DONATION	TALLAHASSEE	FL	32399
ROBINSON FARMS INC	P O BOX 439	PARRISH	FL	34219
PALMA SOLA BAY PARTNERS LLC	1911 91ST ST NW	BRADENTON	FL	34209
PALMA SOLA BAY PARTNERS LLC	1911 91ST ST NW	BRADENTON	FL	34209
PALMA SOLA BAY PARTNERS LLC	1911 91ST ST NW	BRADENTON	FL	34209
CANNATA,MICHAEL	9816 2ND TER NW	BRADENTON	FL	34209
CRIFE,RICK ALAN	1101 9TH AVE E	BRADENTON	FL	34208
VINING,CHRISTOPHER	9804 2ND TER NW	BRADENTON	FL	34209
PALMA SOLA BAY PARTNERS LLC	1911 91ST ST NW	BRADENTON	FL	34209
PALMA SOLA BAY PARTNERS LLC	1911 91ST ST NW	BRADENTON	FL	34209
PALMA SOLA BAY PARTNERS LLC	1911 91ST ST NW	BRADENTON	FL	34209
PALMA SOLA BAY PARTNERS LLC	1911 91ST ST NW	BRADENTON	FL	34209
PALMA SOLA BAY PARTNERS LLC	1911 91ST ST NW	BRADENTON	FL	34209
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PALMA SOLA BAY PARTNERS LLC	1911 91ST ST NW	BRADENTON	FL	34209
PALMA SOLA BAY PARTNERS LLC	1911 91ST ST NW	BRADENTON	FL	34209
PALMA SOLA BAY PARTNERS LLC	1911 91ST ST NW	BRADENTON	FL	34209
TIITF/STATE OF FLORIDA	3900 COMMONWEALTH BLVD	TALLAHASSEE	FL	32399

**MANATEE COUNTY ZONING ORDINANCE
PDR-13-26(P)(R) – NEAL COMMUNITIES OF SOUTHWEST FLORIDA, LLC /
THE ESTUARY (FKA EXCLUSIVE RESIDENTIAL COMMUNITY) PSP MODIFICATION –
(DTS20160475 – MEPS213)**

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, REGARDING LAND DEVELOPMENT, TO AMEND ORDINANCE NO. PDR-13-26(P) TO APPROVE AN AMENDED PRELIMINARY SITE PLAN AND STIPULATIONS AS PREVIOUSLY APPROVED BY ORDINANCE NO. PDR-13-26(P); THE AMENDMENTS INCLUDE: DELETING PREVIOUSLY APPROVED SPECIFIC APPROVALS THAT ARE NO LONGER NECESSARY BECAUSE OF LDC REVISIONS AND/OR REVISED PROJECT DESIGN; ADDING A STIPULATION FOR MANATEE COUNTY ACCEPTANCE AND MAINTENANCE OF ABOVE GROUND UTILITY INFRASTRUCTURE WITHIN THE CHHA; AMENDING STIPULATIONS FOR COMPLIANCE WITH CURRENT CODES; SAID PRELIMINARY SITE PLAN PERTAINS TO PROPERTY LOCATED WEST OF 99TH STREET NORTHWEST AND SOUTH OF 9TH AVENUE NORTHWEST, BRADENTON ON 50.7 ACRES IN THE PDR (PLANNED DEVELOPMENT RESIDENTIAL) ZONING DISTRICT; ; SUBJECT TO STIPULATIONS AS CONDITIONS OF APPROVAL; SETTING FORTH FINDINGS; PROVIDING A LEGAL DESCRIPTION; PROVIDING FOR SEVERABILITY, AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Robinson Farms, Inc., William C. Robinson, President; John Neal Homes, Inc., John Neal (the “Applicant”) filed an application for a Preliminary Site Plan for approximately 50.7 acres described in Exhibit “A”, attached hereto, (the “Property”) for 50 single family detached lots in the PDR (Planning Development Residential) zoning district; and

WHEREAS, on March 6, 2014 the Board of County Commissioners adopted Ordinance No. PDR-13-26(P) to approve a preliminary site plan for 50 single family detached residences; and

WHEREAS, the Applicants have filed an application to amend Ordinance No. PDR-13-26(P) to reflect changes made to the preliminary site plan and to request the stipulations of approval be amended; and,

WHEREAS, the Applicants have requested the following revisions to Ordinance No. PDR-13-26(P) including: 1) delete previously approved Specific Approvals (LDC Section 700.3.1.7 [formerly LDC Section 714.8.7] – Required Tree Replacement Caliper; LDC Section 800.8.C [formerly LDC Section 907.7.3] – Lot Shape; LDC Section 710.1.5.1.2 – Backing into Right-of-Way and Angled Parking Spaces; and LDC Section 1001.4.A. [formerly LDC Section 740.2.5] – Private Street Requirements) either because the Specific Approval is no longer required because of LDC revisions and/or the design of the project no longer requires Specific Approval; and 2) County acceptance of ownership and maintenance responsibility for utility infrastructure located within the CHHA; and

WHEREAS, the Board of County Commissioners held a duly noticed and advertised public hearing on February 2, 2017 to consider the amended preliminary site plan and revised stipulations; and

WHEREAS, the Board of County Commissioners, upon receiving the staff report and public testimony and evidence at the public hearing, found and determined that the applications were consistent with the Manatee County Comprehensive Plan.

NOW, THEREFORE BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA:

Section 1. FINDINGS OF FACT. The recitals set forth above are true and correct and are hereby adopted as findings by the Board of County Commissioners.

The Board of County Commissioners, after considering the testimony, evidence, documentation, the recommendation and findings of the Planning Commission, as well as all other matters presented to the Board at the public hearing hereinafter referenced, hereby makes the following findings of fact:

A. The Board of County Commissioners has received and considered the report of the Building and Development Services staff concerning the application for an amended Preliminary Site Plan as it relates to the real property described in Exhibit “A” of this Ordinance.

B. The Board of County Commissioners held a duly noticed public hearing on February 2, 2017 to consider the amended preliminary site plan and revised stipulations in accordance with the requirements of Manatee County Ordinance No. 15-17, as amended, (the Manatee County Land Development Code), and has further considered the information received at the public hearing.

C. The amended Preliminary Site Plan and amended stipulations regarding the property described in Exhibit “A” herein are found to be consistent with the requirements of Manatee County Ordinance No. 15-17, as amended, the 2020 Manatee County Comprehensive Plan and to satisfy the criteria for approval in the Land Development Code.

Section 2. PRELIMINARY SITE PLAN. The amended Preliminary Site Plan is hereby approved for 50 single family detached lots in the PDR (Planning Development Residential) zoning district upon the Property subject to the following amended Stipulations:

STIPULATIONS

A. DESIGN:

1. A Hurricane Evacuation Plan shall be prepared and submitted for approval at the time of Final Site Plan/Preliminary Plat submittal. This plan shall be provided to both Public Safety and Building and Development Services for review and approval.
2. A Homeowner’s Association, responsible for the maintenance of all common areas and facilities, including the private street network shall be established for this development. The Homeowner’s Association documents shall be reviewed in conjunction with the Final Plat submittal.
3. No lots shall be platted through any greenbelt, landscape buffer, retention pond, wetland, or wetland buffer.
4. The design and maintenance of the roadway and perimeter buffers will be based on a unified landscape plan, in conjunction with the Robinson Preserve expansion.
5. At time of Final Site Plan, the 10’ pedestrian trail shown adjacent to Lots 12 and 13 shall be located in common open space.

B. INFRASTRUCTURE CONDITIONS:

1. In order for Manatee County to assume ownership and maintenance responsibility for sanitary sewer, potable water and reclaimed water hereinafter collectively referred to as "Utility Infrastructure" installed at, above, or below ground within the Estuary project, all Utility Infrastructure installed at or above ground shall be a minimum elevation of 4.8' NAVD88. This elevation is based on the Florida Statewide Regional Evacuation Study Program, Storm Tide Atlas for Manatee County, Book 2 of 4, Volume 7.
2. 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.

C. STORMWATER CONDITIONS:

1. Impervious area from lots and streets shall be treated within proposed stormwater management facilities prior to discharge into Outstanding Florida Waters (OFW) and Robinson Preserve.
2. This project shall be required to provide 150% water quality for Palma Sola Bay/Sarasota Bay Outstanding Florida Waters (OFW).
3. Structures elevated on stem walls may not be portioned into separate rooms except for entry/foyer below the Flood Protection Elevation (BFE plus 1 foot). The area may only be used for vehicle parking, storage, and entry/access to the habitable floor. Flood resistant materials required below the FPE. Flood vents (1 square inch for every square foot of enclosure) required below the FPE.
4. All proposed roadways shall be constructed so as to be above the 100-year design storm elevation based upon rainfall. The design storm elevation will be established utilizing drainage modeling of the internal stormwater system approved by Public Works Department.

D. ENVIRONMENTAL CONDITIONS:

1. There are Bald Eagle nests adjacent to this project. Final Site Plans shall be designed in accordance with the "Bald Eagle Management Plan," as adopted April 2008, by the Florida Fish and Wildlife Commission. If not in compliance with the "management plan," copies of applicable permits shall be provided to EPD staff for review prior to Final Site Plan approval.
2. Prior to Final Site Plan approval, the entire site should 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, a further investigation will be required to determine the level of contamination and appropriate remediation/mitigative measures.

3. A Construction Water Quality Monitoring Program is required at the time of Final Site Plan submittal. Proposed sampling locations are required to be included in the ESCP information on the Final Site Plan in accordance with Land Development Code Section 355.
4. 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); and
 - The final disposition of the well – used, capped, or plugged.

E. NOTICES

1. A Notice to Buyers shall be included in the Declaration of Covenants and Restrictions, in a separate addendum to the sales contract, and in the Final Site. The Notice to Buyers shall include language informing prospective home buyers of the following:
 - a) The property is located within a CHHA Overlay District, CPA and CEA area;
 - b) Portions of the site are within the pre-development 100-year and 25-year floodplains and may be subject to flooding. Proposed subdivided lots are to be graded such that the residences will be located outside of the post-development 100-year and 25-year floodplain. As a result of this location, additional Flood Insurance may be required of the future residents.
 - c) For Lots 12 and 13, that there is a 10 foot pedestrian trail adjacent to their lots.
 - d) Residents in the future subdivision will be subject to a Hurricane Evacuation Plan that will be approved by the Emergency Management Division of the Public Safety Department at the time of Final Site Plan submittal.

Section 3. SEVERABILITY. If any section, sentence, clause, or other provision of this Ordinance shall be held to be invalid or unconstitutional by a court of competent jurisdiction, such section, clause, or other provision shall be deemed severable, and such invalidity or unconstitutionality shall not be construed as to render invalid or unconstitutional the remaining sections, sentences, clauses, or provisions of this Ordinance.

Section 4. CODIFICATION. Pursuant to § 125.68(1), Florida Statutes, the ordinance is not required to be codified. Therefore, the Clerk shall not transmit the ordinance for codification.

Section 5. STATE AND FEDERAL PERMITTING. The issuance of the local development permit by the County shall not create any liability on the part of the County in the event the applicant fails to obtain the required state or federal agency approvals or permits or fails to fulfill the obligations imposed by any state or federal agency or undertakes actions that result in a violation of state or federal law.

Section 6. EFFECTIVE DATE. This ordinance shall take effect immediately upon filing with the Office of the Secretary of State, Florida Department of State.

PASSED AND DULY ADOPTED, by the Board of County Commissioners of Manatee County, Florida on the 2nd day of February 2017.

**BOARD OF COUNTY COMMISSIONERS
OF MANATEE COUNTY, FLORIDA**

BY: _____
Betsy Benac, Chairman

ATTEST: ANGELINA COLONNESO
Clerk of the Circuit Court

BY: _____
Deputy Clerk

EXHIBIT "A"

LEGAL DESCRIPTION

COMMENCE AT THE NORTHEAST CORNER OF SECTION 26, TOWNSHIP 34 SOUTH, RANGE 16 EAST; THENCE N 89°36'54" W, ALONG THE NORTH LINE OF SAID SECTION 26, A DISTANCE OF 16.00 FEET; THENCE S 00°19'34" W, A DISTANCE OF 28.00 FEET; THENCE S 00°19'34" W, ALONG THE WESTERLY MAINTAINED RIGHT-OF-WAY LINE OF 99TH STREET N.W., A DISTANCE OF 550.00 FEET TO THE POINT OF BEGINNING; THENCE S 00°19'34" W, A DISTANCE OF 661.06 FEET; THENCE S 34°01'32" W, A DISTANCE OF 96.58 FEET; THENCE N 89°47'24" W, A DISTANCE OF 15.01 FEET; THENCE S 00°21'55" W, A DISTANCE OF 662.57 FEET; THENCE N 87°26'40" W, A DISTANCE OF 28.27 FEET; THENCE N 00°21'47" E, A DISTANCE OF 35.90 FEET TO A POINT ON THE ARC OF A CURVE TO THE RIGHT WHOSE RADIUS POINT BEARS N 12°37'44" E, AT A DISTANCE OF 205.00 FEET; THENCE WESTERLY, AND NORTHWESTERLY ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 34°07'55", A DISTANCE OF 122.12 FEET TO A POINT OF REVERSE CURVATURE WITH A CURVE, TO THE LEFT HAVING A RADIUS OF 225.00 FEET; THENCE NORTHWESTERLY, AND WESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 57°37'00", A DISTANCE OF 226.26 FEET TO A POINT OF TANGENCY; THENCE S 79°08'39" W, A DISTANCE OF 240.82 FEET TO THE POINT OF CURVATURE OF A CURVE, TO THE LEFT HAVING A RADIUS OF 65.00 FEET; THENCE WESTERLY, SOUTHWESTERLY, AND SOUTHERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 91°15'00", A DISTANCE OF 103.52 FEET TO A POINT OF TANGENCY; THENCE S 12°06'20" E, A DISTANCE OF 167.84 FEET TO A POINT ON THE ARC OF A CURVE TO THE LEFT WHOSE RADIUS POINT BEARS N 77°04'39" E, AT A DISTANCE OF 560.00 FEET; THENCE SOUTHERLY, AND SOUTHEASTERLY ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 40°09'00", A DISTANCE OF 392.42 FEET TO A POINT OF REVERSE CURVATURE WITH A CURVE, TO THE RIGHT HAVING A RADIUS OF 170.00 FEET; THENCE SOUTHEASTERLY, SOUTHERLY, SOUTHWESTERLY, WESTERLY, AND NORTHWESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 180°00'00", A DISTANCE OF 534.07 FEET TO A POINT OF TANGENCY; THENCE N 53°04'21" W, A DISTANCE OF 468.26 FEET TO THE POINT OF CURVATURE OF A CURVE, TO THE RIGHT HAVING A RADIUS OF 112.00 FEET; THENCE NORTHWESTERLY, AND NORTHERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 63°13'00", A DISTANCE OF 123.57 FEET TO A POINT OF TANGENCY; THENCE N 10°08'39" E, A DISTANCE OF 167.15 FEET TO THE POINT OF CURVATURE OF A CURVE, TO THE LEFT HAVING A RADIUS OF 175.00 FEET; THENCE NORTHERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 31°27'00", A DISTANCE OF 96.06 FEET TO A POINT OF TANGENCY; THENCE N 21°18'21" W, A DISTANCE OF 201.97 FEET TO THE POINT OF CURVATURE OF A CURVE, TO THE LEFT HAVING A RADIUS OF 235.00 FEET; THENCE NORTHERLY, NORTHWESTERLY, AND WESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 59°43'00", A DISTANCE OF 244.93 FEET TO A POINT OF TANGENCY; THENCE N 81°01'21" W, A DISTANCE OF 82.51 FEET TO THE POINT OF CURVATURE OF A CURVE, TO THE RIGHT HAVING A RADIUS OF 162.00 FEET; THENCE WESTERLY, AND NORTHWESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 46°41'00", A DISTANCE OF 131.99 FEET; THENCE N 00°00'00" E, A DISTANCE OF 1055.19 FEET; THENCE S 90°00'00" E, A DISTANCE OF 1506.10 FEET TO THE POINT OF BEGINNING.

LYING AND BEING IN SECTION 26, TOWNSHIP 34 SOUTH, RANGE 16 EAST, MANATEE COUNTY, FLORIDA. CONTAINING 50.71 ACRES.