

# MEMORANDUM

To: Margaret Tusing, Planning Section Manager  
From: Bobbi Roy, Senior Planning & Zoning Technician  
Date: **October 31, 2018**  
Subject: Agenda Update for the November 1, 2018 Board of County Commissioners Land Use Meeting



*THIS MEMO AND THE CHANGES INDICATED BELOW ARE REFLECTED IN THE ELECTRONIC AGENDA (E-AGENDA)*

**This item was previously published as an add on item but is now being deferred.**  
**Add On Item (Consent Agenda) - 14. Food & Beverage Operations at Judicial Center**

6. **Final Replat – Gritt Acres** – Item to be deferred to November 27, 2018
7. **Reimbursement Agreement for University Parkway Water Main Improvements** – Revised Budget Amendment Resolution B-19-032 attached; revised instructions to Board Records and a revised additional motion to read “Adoption of Budget Resolution B-19-032 amending the annual budget for Manatee County, FL, for fiscal year 2019.”
12. **PDR-12-03(G)(R) Rowe Ventures, LLC/The Aviary at Rutland Ranch PLN1805-0063 – Quasi-Judicial – Margaret Tusing, Planning Section Manager – Amend Stipulation B.1 Delete Stipulations B.2 and C.1 in their entirety and renumber remaining Stipulations – revised Ordinance is attached.**
13. **PA-18-11/Ordinance 18-39 Alprop-I, LLC/Florida International Tradeport fka Ellenton Commerce Park PLN1808-0011 – Legislative – Jamie Schindewolf, Planner I & Margaret Tusing, Planning Section Manager** – Public Comment Letter and Revised Staff Report Maps attached

Building and Development Services  
Public Hearings  
1112 Manatee Avenue West  
Phone number: (941) 748-4501 ext. 6878

**MANATEE COUNTY ORDINANCE  
PDR-12-03(G)(R) – ROWE VENTURES, LLC/THE AVIARY AT  
RUTLAND RANCH (PLN #1805-0063)**

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, REGARDING LAND DEVELOPMENT, AMENDING AND RESTATING ORDINANCE NO. PDR-12-03(Z)(G); TO APPROVE AN AMENDED GENERAL DEVELOPMENT PLAN TO REFLECT UPDATED REVISIONS TO THE SIDE YARD SETBACKS, ACREAGE CALCULATIONS, ROAD AND SIDEWALK DESIGN, AND VARIOUS CALCULATIONS FOR CONSISTENCY WITH APPROVED SITE PLANS; APPROVING A SPECIFIC APPROVAL REGARDING REAR YARD SETBACKS FOR DEVELOPMENT STANDARDS IN THE NCOD (NORTH CENTRAL OVERLAY DISTRICT); SAID REVISED GENERAL DEVELOPMENT PLAN BEING APPLICABLE TO APPROXIMATELY 400± ACRES IN THE PDR/NCO (PLANNED DEVELOPMENT RESIDENTIAL/NORTH CENTRAL OVERLAY DISTRICT) GENERALLY LOCATED AT 16410 CR 675 IN PARRISH; PREVIOUSLY SUBJECT TO STIPULATIONS AS CONDITIONS OF APPROVAL; SETTING FORTH FINDINGS; PROVIDING A LEGAL DESCRIPTION; PROVIDING FOR SEVERABILITY, AND PROVIDING AN EFFECTIVE DATE.

**WHEREAS**, Rowe Ventures, LLC (the “Applicant”) filed an application amending and restating Ordinance No. PDR-12-03(Z)(G); to approve an amended General Development Plan to reflect updated revisions to the side yard setbacks, acreage calculations, road and sidewalk design, and various calculations for consistency with approved site plans; approving a specific approval regarding rear yard setbacks for development standards in the NCOD (North Central Overlay District) applicable to approximately 400± in the PDR/NCO (Planned Development Residential/North Central Overlay District) described in Exhibit “A”, attached hereto, (the “Property”); and

**WHEREAS**, the applicant also filed a request restating Special Approval previously granted for a project: 1) adjacent to a perennial stream; 2) gross density greater than 1.d.u. per acre in the UF-3 Future Land Use Category, and 3) within the 25-year flood plain; and

**WHEREAS**, the applicant also filed a request for alternatives to Land Development Code Sections 403.12.D.3.k (reduced rear yard setback in the North Central Overlay District for pools, pool cages, and accessory structures and 1001.1.C.3 (allow emergency access as second means of access); and

**WHEREAS**, the Building and Development Services Department staff recommended approval of the revised General Development Plan, Special Approval and Specific Approval applications subject to the stipulations contained in the staff report; and

**WHEREAS**, the Manatee County Planning Commission, after due public notice, held a public hearing on October 11, 2018 to consider the amended General Development Plan, Special Approval and Specific Approval applications, received the staff recommendation and considered the criteria for approval in the Manatee County Comprehensive Plan and the Land Development Code; and

**WHEREAS**, the Manatee County Planning Commission, as the County’s Local Planning Agency, found the Applications consistent with the Manatee County Comprehensive Plan, and the applicable portions of the Manatee County Land Development Code and recommended approval of the Applications.

**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, application for a revised ordinance, 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 Manatee County Planning Commission concerning the application for Amendment 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 November 1, 2018 regarding the proposed Official Zoning Atlas Amendment described herein in accordance with the requirements of Manatee County Ordinance No. 15-17, the Manatee County Land Development Code, and further considered the information received at said public hearing.

C. The proposed amendment to the Official Zoning Atlas regarding the property described in Exhibit “A” herein was found to be consistent with the requirements of Manatee County Ordinance No. 89-01, the Manatee County Comprehensive Plan.

D. For the purposes of granting Special Approval, the Board found that the project, as detailed on the Preliminary Site Plan and as conditioned herein, will have no significant detrimental impacts on natural resources, adjacent land uses, or public facilities.

E. Notwithstanding the failure of this plan to comply with the requirements of Land Development Code Section 403.12.D.3.k, the Board finds that the purpose of the LDC regulation is satisfied to an equivalent degree by the proposed design because special attention will be given to the placement of appropriate vegetation within the required landscape buffers, and there are no currently proposed conflicts with buffer vegetation.

F. Notwithstanding the failure of this plan to comply with the requirements of Land Development Code Section 1001.1.C.3, the Board finds that the purpose of the LDC regulation is satisfied to an equivalent degree by the proposed alternative design providing secondary means of access through emergency access road provided between Parcels #4 and #5.

**Section 2. AMENDED GENERAL DEVELOPMENT PLAN.** The amended General Development Plan is hereby approved to reflect updated revisions to the side yard setbacks, acreage calculations, road and sidewalk design, and various calculations for consistency with approved site plans, upon the property subject to the following Stipulations:

## **STIPULATIONS**

### **A. DESIGN AND LAND USE STIPULATIONS**

1. At time of Final Site Plan, the landscape planting design shall comply with the North Central Overlay District, LDC Sections 403.12.D, 403.12.D.3 and 403.12.D.5, as amended.

### **B. TRANSPORTATION STIPULATIONS**

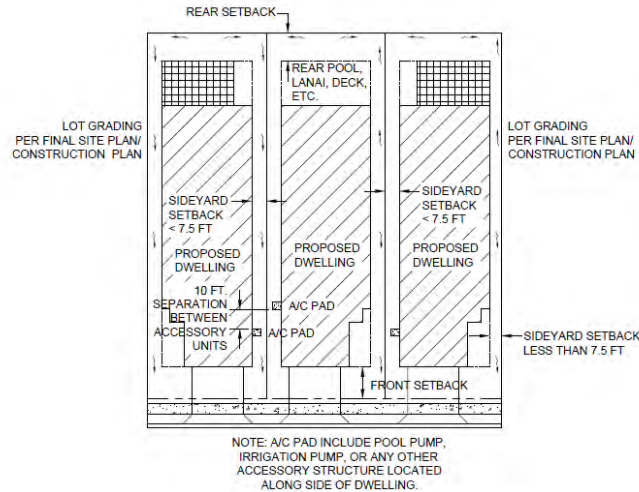
1. To allow for future widening of C.R. 675, dedication of right-of-way is required at Final Plat or FSP Approval, as appropriate, to provide Manatee County with up to a 75-foot half sections from the existing center line on C.R. 675. After dedication of right-of-way takes place, impact fee credits shall be available to the property owner, with final amount to be determined in accordance with the requirements of Chapter 11 of the LDC to be completed pursuant to terms of LDA-14-03.
2. Typical boulevard cross section must be designed to Manatee County Transportation Department Highway, Traffic & Stormwater Standards, 2007, Index #401.2 (120 foot – Four Lane Divided Roadway). The Landscape buffer cannot be included within the 120-foot right-of-way.
3. The precise location and alignment of the site's access to C.R. 675/Rutland Road shall be coordinated with the Public Works Department during the review of the PSP/FSP/Construction Plan submittal.
4. Signs shall be posted at all future inter-neighborhood ties identifying the future connections. Sign locations and content shall be provided with FSP submittal.

### **C. STORMWATER STIPULATIONS**

1. This project shall provide stormwater facilities for improvements associated with the proposed project entrance from Rutland Road (C.R. 675).
2. Any fill within the 25-year or 100-year floodplains of the Gamble Creek shall be compensated by the creation of an equal or greater storage volume above seasonal high water table. 100-year and 25-year floodplain compensation in dual use facilities (i.e., stormwater attenuation and floodplain compensation) shall be compensated above the 25-year Design High Water Level (DHWL).
3. This project shall be required to reduce the calculated pre-development flow rate by fifty percent (50%) for all stormwater outfall flow directly or indirectly into Gamble Creek. Modeling shall be used to determine pre- and post- development flows.
4. A Drainage Easement shall be dedicated to Manatee County and be shown on the Final Site Plan and Final Plat along Gamble Creek within the project

boundaries. In addition, a Drainage-Maintenance Access Easement shall be provided along Gamble Creek. Manatee County is only responsible for maintaining the free flow of drainage through these systems.

5. There shall be a minimum of ten (10) foot separation between accessory equipment and structures alongside adjoining houses with 5 feet side yard setbacks.



#### **D. ENVIRONMENTAL STIPULATIONS**

1. A Conservation Easement for the areas defined as post-development jurisdictional wetlands, wetland buffers, and upland preservation areas that will serve as wetland mitigation areas shall be dedicated to Manatee County prior to, or concurrent with, Final Plat approval or Certificate of Occupancy or Certificate of Completion issuance.
2. The developer shall provide an updated study, consistent with Policy 3.3.2.1 of the Comprehensive Plan, for threatened and endangered plant and animal species prior to Final Site Plan approval.
3. No lots shall be platted through post-development wetlands, wetland buffers or upland preservation areas.
4. The Final Site Plan shall identify wildlife connections between preservation areas severed by roadway construction. Oversized culverts, rumble strips or wildlife crossing signage may be required for wildlife connections and shall be approved with the Final Site Plan.
5. Existing native vegetation located within any required landscape buffer shall be preserved to the greatest extent possible. There shall be no overhead or underground power lines, swales, or stormwater facilities within any proposed

landscape buffer containing desirable native vegetation with the exception of limited crossings.

6. Tree barricades for trees to be preserved during construction shall be located at the drip line, unless otherwise approved by the Environmental Review staff, prior to commencement of construction. The drip line shall be defined as the outer branch edge of the tree canopy. The area within the drip line shall remain undisturbed. The following activities are prohibited within the drip line of preserved trees: improvements, fill, machinery and vehicle travel or parking; underground utilities; grade changes, compaction of soil, or excavation; storage of construction materials. The tree protection barricades shall consist of chain link fence (new or used) or orange safety fence with a minimum 5' height, unless otherwise approved by the Building and Development Services Department.
7. A Construction Water Quality Monitoring Program and proposed sampling locations are required to be included in the ESCP information on the Final Site plan in accordance with Section 355 of the LDC.
8. If wells are encountered, a Well Management Plan for the proper protection and abandonment of existing wells shall be submitted to the County for review and approval prior to Final Site Plan approval. The Well Management Plan shall include the following information:
  - Digital photographs of the well along with nearby reference structures (if existing).
  - GPS coordinates (latitude/longitude) of the well.
  - The methodology used to secure the well during construction (e.g. fence, tape).
  - The final disposition of the well – used, capped, or plugged.
9. Irrigation for landscaping shall use the lowest water quality source available, which shall be identified on the Final Site Plan. Use of Manatee County public potable water supply shall be prohibited.

#### **E. INFRASTRUCTURE STIPULATIONS**

1. The provisions of the Manatee County Comprehensive Plan and Land Development Code require that adequate capacity exist with respect to sewer line collection capacity, sewer plant treatment capacity, potable water distribution line capacity and potable water treatment plant capacity to obtain concurrency approvals for wastewater and potable water. By the adoption of this ordinance, the County has not assumed the obligation, either expressly or by implication, to bear any of the expenses to provide water, sewer or reclaimed water to the Property including, without limitation, any obligation to provide for adequate

circulation of potable water or reclaimed water within the lines by flushing or otherwise to ensure proper circulation of water in the mains except as otherwise set forth in the Local Development Agreement dated April 23, 2015, as amended. Any new waste water facilities shall be located and constructed in accordance with either the most recent version of the North Manatee County Wastewater Master Plan in effect at the time of such design, or alternatively, pursuant to a separate Agreement with Manatee County; however, this shall not require the developer to oversize water or wastewater mains unless requested to do so by Manatee County and any cost associated with such oversize shall require participation or reimbursement by the County as further detailed in a written agreement.

## **F. NOTICES**

1. The Notice to Buyers shall be included in the Declaration of Covenants and Restrictions, and in a separate addendum to the Sales Contract, and in the Final Site Plan, and shall include language informing prospective homeowners in the project of the:
  - a) Lots located within a flood zone;
  - b) A and A-1 zoning districts surrounding the site and potential agricultural uses and operations permitted which may impact residents with noise and odor;
  - c) The potential extension of Rye Road extending from C.R. 675 to S.R. 62 over Gamble Creek as a future 6 lane divided arterial roadway;
  - d) The potential expansion of C.R. 675 to a future six-lane divided roadway; and
  - e) Future Interneighborhood ties to east and west of site.

**Section 3. SPECIAL AND SPECIFIC APPROVALS.** Special Approval is hereby granted for a project previously granted for a project: 1) adjacent to a perennial stream; 2) gross density greater than 1.d.u. per acre in the UF-3 Future Land Use Category, and 3) within the 25-year flood plain. Specific Approval is hereby granted for alternatives to Land Development Code Sections 403.12.D.3.k (reduced rear yard setback in the North Central Overlay District for pools, pool cages, and accessory structures) and 1001.1.C.3 (allow emergency access as second means of access).

**Section 4. 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, sentence, 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 5. CODIFICATION.** Pursuant to § 125.68(1), Florida Statutes, this ordinance is not required to be codified. Therefore, the Clerk shall not transmit the ordinance for codification.

**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 1<sup>st</sup> day of November, 2018.

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

BY: \_\_\_\_\_  
**Priscilla Trace, Chairman**

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

BY: \_\_\_\_\_  
**Deputy Clerk**



**EXHIBIT “A”  
LEGAL DESCRIPTION**

A PARCEL OF LAND LYING IN SECTIONS 26 AND 35, TOWNSHIP 33 SOUTH, RANGE 19 EAST, MANATEE COUNTY, FLORIDA, BEING DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF THE NORTHEAST QUARTER OF SAID SECTION 35; THENCE S 00°12'00" W, ALONG THE WEST LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 35, A DISTANCE OF 51.29 FEET TO AN INTERSECTION WITH THE NORTHEASTERLY RIGHT-OF-WAY LINE OF S.R. 675 (RUTLAND ROAD); THENCE ALONG SAID NORTHEASTERLY RIGHT-OF-WAY LINE, THE FOLLOWING TWO (2) COURSES: 1) S 44°26'31" E, A DISTANCE OF 116.57 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE LEFT, HAVING A RADIUS OF 34327.47 FEET; 2) ALONG THE ARC OF SAID CURVE IN A SOUTHEASTERLY DIRECTION, A DISTANCE OF 43.50 FEET THROUGH A CENTRAL ANGLE OF 00°04'21", TO THE POINT OF BEGINNING; THENCE CONTINUE ALONG SAID NORTHEASTERLY RIGHT-OF-WAY LINE, THE FOLLOWING TWO (2) COURSES: 1) CONTINUE ALONG THE ARC OF SAID CURVE, A DISTANCE OF 705.41 FEET THROUGH A CENTRAL ANGLE OF 01°10'39" TO THE POINT OF TANGENCY; 2) S 45°41'31" E, A DISTANCE OF 252.53 FEET; THENCE N 37°01'42" E, A DISTANCE OF 563.72 FEET; THENCE N 25°34'23" E, A DISTANCE OF 3222.26 FEET TO AN INTERSECTION WITH THE EAST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 35; THENCE N 00°57'03" E, ALONG SAID EAST LINE, AND THE EAST LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 26, A DISTANCE OF 2682.99 FEET TO THE SOUTHEAST CORNER OF THE NORTHEAST QUARTER OF SAID SECTION 26; THENCE N 00°57'03" E, ALONG THE EAST LINE OF SAID NORTHEAST QUARTER, A DISTANCE OF 1,558.25 FEET; THENCE N 64°58'22" W, A DISTANCE OF 2847.59 FEET TO AN INTERSECTION WITH THE WEST LINE OF SAID NORTHEAST QUARTER; THENCE S 00°03'14" W, ALONG SAID WEST LINE, A DISTANCE OF 2654.18 FEET TO THE SOUTHWEST CORNER OF SAID NORTHEAST QUARTER; THENCE S 00°01'26" W, ALONG THE WEST LINE OF SAID SOUTHEAST QUARTER, A DISTANCE OF 2657.96 FEET TO THE SOUTHWEST CORNER OF SAID SOUTHEAST QUARTER; THENCE S 00°12'02" W, ALONG THE WEST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 35, A DISTANCE OF 1713.47 FEET; THENCE S 45°41'31" E, A DISTANCE OF 847.56 FEET; THENCE S 44°18'29" W, A DISTANCE OF 712.75 FEET TO THE POINT OF BEGINNING.

SUBJECT TO PERTINENT EASEMENTS, RIGHTS-OF-WAYS AND RESTRICTIONS OF RECORD.

CONTAINING 400.0 ACRES, MORE OR LESS.

Original Agenda Update Memorandum - Revised and Replaced Items 12 and 14

To: Margaret Tusing, Planning Section Manager  
From: Bobbi Roy, Senior Planning & Zoning Technician  
Date: **October 31, 2018**  
Subject: Agenda Update for the November 1, 2018 Board of County Commissioners Land Use Meeting

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RESOLUTION B-19-032  
AMENDING THE ANNUAL BUDGET  
FOR MANATEE COUNTY, FLORIDA  
FOR FISCAL YEAR 2019-2020

**WHEREAS,** Florida Statutes 129.06, authorizes the Board of County Commissioners to amend its budget for the current fiscal year as follows:

- a) Appropriations for expenditures in any fund may be decreased and other appropriations in the same fund correspondingly increased, provided the total appropriations of the fund are not changed.
- b) Appropriations from reserves may be made to increase the appropriation for any particular expense in the same fund, or to create an appropriation in the fund for any lawful purpose.
- c) Unanticipated revenues, including increased receipts for enterprise or proprietary funds, may be appropriated for their intended purpose, and may be transferred between funds to properly account for the unanticipated revenue.

**NOW, THEREFORE,** BE IT RESOLVED by the Board of County Commissioners of Manatee County, Florida that the 2018-2019 budget is hereby amended in accordance with FS 129.06 as described on the attached summary and specified in the budget adjustment batch files which are listed below:

Department: PUBLIC WORKS & TRANSIT  
Fund: UTILITIES MAINT. PROJECTS  
Description: Transfers \$25,000 from Reserves in the Utilities Maintenance Projects fund to the University Parkway-Lorraine Road to Covenant Way Water Main Improvement project for the design, engineering, permitting, construction and overhead costs related to the required upsizing of the water main improvements. This Reimbursement Agreement is being presented to the Board along with this budget amendment. This budget amendment adjusts the FY19-23 CIP.

Batch ID: MHA2418A

Reference: BU19000090

ADOPTED IN OPEN SESSION WITH A QUORUM PRESENT AND VOTING THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2018.

BOARD OF COUNTY COMMISSIONERS  
MANATEE COUNTY, FLORIDA

By: \_\_\_\_\_  
Chairman

ATTEST: Angelina Coloneso  
Clerk of Circuit Court

By: \_\_\_\_\_  
Deputy Clerk

**MANATEE COUNTY ORDINANCE  
PDR-12-03(G)(R) – ROWE VENTURES, LLC/THE AVIARY AT  
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**WHEREAS**, the Manatee County Planning Commission, as the County's Local Planning Agency, found the Applications consistent with the Manatee County Comprehensive Plan, and the applicable portions of the Manatee County Land Development Code and recommended approval of the Applications.

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C. The proposed amendment to the Official Zoning Atlas regarding the property described in Exhibit "A" herein was found to be consistent with the requirements of Manatee County Ordinance No. 89-01, the Manatee County Comprehensive Plan.

D. For the purposes of granting Special Approval, the Board found that the project, as detailed on the Preliminary Site Plan and as conditioned herein, will have no significant detrimental impacts on natural resources, adjacent land uses, or public facilities.

E. Notwithstanding the failure of this plan to comply with the requirements of Land Development Code Section 403.12.D.3.k, the Board finds that the purpose of the LDC regulation is satisfied to an equivalent degree by the proposed design because special attention will be given to the placement of appropriate vegetation within the required landscape buffers, and there are no currently proposed conflicts with buffer vegetation.

F. Notwithstanding the failure of this plan to comply with the requirements of Land Development Code Section 1001.1.C.3, the Board finds that the purpose of the LDC regulation is satisfied to an equivalent degree by the proposed alternative design providing secondary means of access through emergency access road provided between Parcels #4 and #5.

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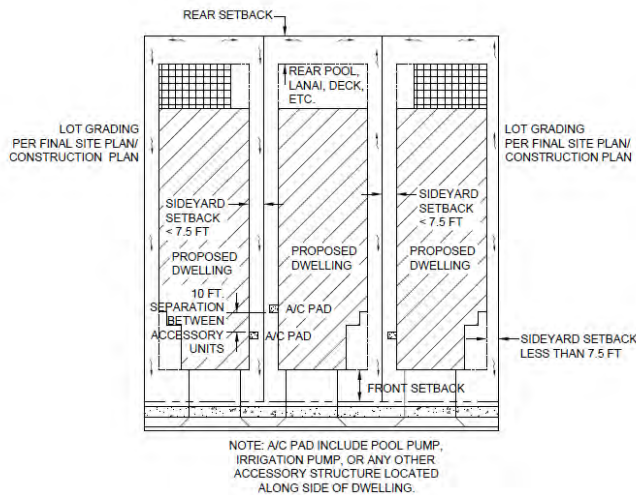
### **B. TRANSPORTATION STIPULATIONS**

1. To allow for the construction of the future Rye Road Extension, dedication of right-of-way for the road, wetland mitigation, floodplain compensation, and attenuation volume is required at Final Plat or FSP approval, as appropriate, to provide Manatee County with a 42-foot half section along a portion of the property's eastern boundary. After dedication of right-of-way takes place, impact fee credits shall be available to the property owner, with final amount to be determined in accordance with the requirements of Chapter 11 of the LDC.
2. Typical boulevard cross section must be designed to Manatee County Transportation Department Highway, Traffic & Stormwater Standards, 2007, Index #401.2 (120 foot – Four Lane Divided Roadway). The Landscape buffer cannot be included within the 120-foot right-of-way.
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2. The developer shall provide an updated study, consistent with Policy 3.3.2.1 of the Comprehensive Plan, for threatened and endangered plant and animal species prior to Final Site Plan approval.
3. No lots shall be platted through post-development wetlands, wetland buffers or upland preservation areas.
4. The Final Site Plan shall identify wildlife connections between preservation areas severed by roadway construction. Oversized culverts, rumble strips or wildlife crossing signage may be required for wildlife connections and shall be approved with the Final Site Plan.

5. Existing native vegetation located within any required landscape buffer shall be preserved to the greatest extent possible. There shall be no overhead or underground power lines, swales, or stormwater facilities within any proposed landscape buffer containing desirable native vegetation with the exception of limited crossings.
6. Tree barricades for trees to be preserved during construction shall be located at the drip line, unless otherwise approved by the Environmental Review staff, prior to commencement of construction. The drip line shall be defined as the outer branch edge of the tree canopy. The area within the drip line shall remain undisturbed. The following activities are prohibited within the drip line of preserved trees: improvements, fill, machinery and vehicle travel or parking; underground utilities; grade changes, compaction of soil, or excavation; storage of construction materials. The tree protection barricades shall consist of chain link fence (new or used) or orange safety fence with a minimum 5' height, unless otherwise approved by the Building and Development Services Department.
7. A Construction Water Quality Monitoring Program and proposed sampling locations are required to be included in the ESCP information on the Final Site plan in accordance with Section 355 of the LDC.
8. If wells are encountered, a Well Management Plan for the proper protection and abandonment of existing wells shall be submitted to the County for review and approval prior to Final Site Plan approval. The Well Management Plan shall include the following information:
  - Digital photographs of the well along with nearby reference structures (if existing).
  - GPS coordinates (latitude/longitude) of the well.
  - The methodology used to secure the well during construction (e.g. fence, tape).
  - The final disposition of the well – used, capped, or plugged.
9. Irrigation for landscaping shall use the lowest water quality source available, which shall be identified on the Final Site Plan. Use of Manatee County public potable water supply shall be prohibited.

#### **E. INFRASTRUCTURE STIPULATIONS**

1. The provisions of the Manatee County Comprehensive Plan and Land Development Code require that adequate capacity exist with respect to sewer line collection capacity, sewer plant treatment capacity, potable water distribution line capacity and potable water treatment plant capacity to obtain concurrency approvals for wastewater and potable water. By the adoption of this ordinance,



the County has not assumed the obligation, either expressly or by implication, to bear any of the expenses to provide water, sewer or reclaimed water to the Property including, without limitation, any obligation to provide for adequate circulation of potable water or reclaimed water within the lines by flushing or otherwise to ensure proper circulation of water in the mains except as otherwise set forth in the Local Development Agreement dated April 23, 2015, as amended. Any new waste water facilities shall be located and constructed in accordance with either the most recent version of the North Manatee County Wastewater Master Plan in effect at the time of such design, or alternatively, pursuant to a separate Agreement with Manatee County; however, this shall not require the developer to oversize water or wastewater mains unless requested to do so by Manatee County and any cost associated with such oversize shall require participation or reimbursement by the County as further detailed in a written agreement.

#### **F. NOTICES**

1. The Notice to Buyers shall be included in the Declaration of Covenants and Restrictions, and in a separate addendum to the Sales Contract, and in the Final Site Plan, and shall include language informing prospective homeowners in the project of the:
  - a) Lots located within a flood zone;
  - b) A and A-1 zoning districts surrounding the site and potential agricultural uses and operations permitted which may impact residents with noise and odor;
  - c) The potential extension of Rye Road extending from C.R. 675 to S.R. 62 over Gamble Creek as a future 6 lane divided arterial roadway;
  - d) The potential expansion of C.R. 675 to a future six-lane divided roadway; and
  - e) Future Interneighborhood ties to east and west of site.

**Section 3. SPECIAL AND SPECIFIC APPROVALS.** Special Approval is hereby granted for a project previously granted for a project: 1) adjacent to a perennial stream; 2) gross density greater than 1.d.u. per acre in the UF-3 Future Land Use Category, and 3) within the 25-year flood plain. Specific Approval is hereby granted for alternatives to Land Development Code Sections 403.12.D.3.k (reduced rear yard setback in the North Central Overlay District for pools, pool cages, and accessory structures) and 1001.1.C.3 (allow emergency access as second means of access).

**Section 4. 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, sentence, 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 5. CODIFICATION.** Pursuant to § 125.68(1), Florida Statutes, this ordinance is not required to be codified. Therefore, the Clerk shall not transmit the ordinance for codification.

**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 1<sup>st</sup> day of November, 2018.

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

BY: \_\_\_\_\_  
**Priscilla Trace, Chairman**

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

BY: \_\_\_\_\_  
**Deputy Clerk**

**EXHIBIT "A"**  
**LEGAL DESCRIPTION**

A PARCEL OF LAND LYING IN SECTIONS 26 AND 35, TOWNSHIP 33 SOUTH, RANGE 19 EAST, MANATEE COUNTY, FLORIDA, BEING DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF THE NORTHEAST QUARTER OF SAID SECTION 35; THENCE S 00°12'00" W, ALONG THE WEST LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 35, A DISTANCE OF 51.29 FEET TO AN INTERSECTION WITH THE NORTHEASTERLY RIGHT-OF-WAY LINE OF S.R. 675 (RUTLAND ROAD); THENCE ALONG SAID NORTHEASTERLY RIGHT-OF-WAY LINE, THE FOLLOWING TWO (2) COURSES: 1) S 44°26'31" E, A DISTANCE OF 116.57 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE LEFT, HAVING A RADIUS OF 34327.47 FEET; 2) ALONG THE ARC OF SAID CURVE IN A SOUTHEASTERLY DIRECTION, A DISTANCE OF 43.50 FEET THROUGH A CENTRAL ANGLE OF 00°04'21", TO THE POINT OF BEGINNING; THENCE CONTINUE ALONG SAID NORTHEASTERLY RIGHT-OF-WAY LINE, THE FOLLOWING TWO (2) COURSES: 1) CONTINUE ALONG THE ARC OF SAID CURVE, A DISTANCE OF 705.41 FEET THROUGH A CENTRAL ANGLE OF 01°10'39" TO THE POINT OF TANGENCY; 2) S 45°41'31" E, A DISTANCE OF 252.53 FEET; THENCE N 37°01'42" E, A DISTANCE OF 563.72 FEET; THENCE N 25°34'23" E, A DISTANCE OF 3222.26 FEET TO AN INTERSECTION WITH THE EAST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 35; THENCE N 00°57'03" E, ALONG SAID EAST LINE, AND THE EAST LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 26, A DISTANCE OF 2682.99 FEET TO THE SOUTHEAST CORNER OF THE NORTHEAST QUARTER OF SAID SECTION 26; THENCE N 00°57'03" E, ALONG THE EAST LINE OF SAID NORTHEAST QUARTER, A DISTANCE OF 1,558.25 FEET; THENCE N 64°58'22" W, A DISTANCE OF 2847.59 FEET TO AN INTERSECTION WITH THE WEST LINE OF SAID NORTHEAST QUARTER; THENCE S 00°03'14" W, ALONG SAID WEST LINE, A DISTANCE OF 2654.18 FEET TO THE SOUTHWEST CORNER OF SAID NORTHEAST QUARTER; THENCE S 00°01'26" W, ALONG THE WEST LINE OF SAID SOUTHEAST QUARTER, A DISTANCE OF 2657.96 FEET TO THE SOUTHWEST CORNER OF SAID SOUTHEAST QUARTER; THENCE S 00°12'02" W, ALONG THE WEST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 35, A DISTANCE OF 1713.47 FEET; THENCE S 45°41'31" E, A DISTANCE OF 847.56 FEET; THENCE S 44°18'29" W, A DISTANCE OF 712.75 FEET TO THE POINT OF BEGINNING.

SUBJECT TO PERTINENT EASEMENTS, RIGHTS-OF-WAYS AND RESTRICTIONS OF RECORD.

CONTAINING 400.0 ACRES, MORE OR LESS.

## Bobbi Roy

---

**From:** Marianne Lopata  
**Sent:** Monday, October 29, 2018 8:59 AM  
**To:** m g  
**Cc:** Michele Zink; Bobbi Roy; Debbie Bassett; Betsy Benac; Carol Whitmore; Charles Smith; Priscilla WhisenantTrace; Robin DiSabatino; Stephen R Jonsson; Vanessa Baugh  
**Subject:** RE: PA-18-11 / Ord-18-39 Florida International Tradeport (fka Ellenton Commerce Park)  
**Attachments:** PA-18-11 Original Letter and Backup.pdf

Thank you for writing to share your concerns. Your email is hereby acknowledged as received by the Board of County Commissioners and will also be forwarded to staff of Building & Development Services and the County Attorney's Office for inclusion as public comments for this hearing.

As well as your written correspondence you are welcome to attend the hearing, currently scheduled for **November 1, 2018**, to offer your comments and opinions.

On behalf of Chairman Trace and the other Commissioners, thank you for your interest and participation.

### *Marianne Lopata*

Executive Administrative Assistant  
Board of County Commissioners  
Phone: (941) 745-3707; Fax: (941) 745-3790  
E-mail: [marianne.lopata@mymanatee.org](mailto:marianne.lopata@mymanatee.org)



**From:** m g <mg@mirabellaflorida.com>  
**Sent:** Friday, October 26, 2018 4:31 PM  
**To:** Priscilla WhisenantTrace <priscilla.whisenanttrace@mymanatee.org>  
**Cc:** Marianne Lopata <marianne.lopata@mymanatee.org>; Michele Zink <michelez@mirabellaflorida.com>  
**Subject:** PA-18-11 / Ord-18-39- From Marshall Gobuty.

**The Honorable Priscilla Trace, Chair**  
Manatee County Board of County Commissioners  
Manatee County  
1112 Manatee Avenue West, 9<sup>th</sup> Floor  
Bradenton, FL 34205

October 26, 2018

Re: PA-18-11 / Ord-18-39

**Dear Honorable Chair Trace:**

Attached to this letter you will find a Conceptual Site Plan for "Our Lives Community". Our application for approval was originally submitted on July 11, 2018 and prior to the current application referenced above. We are

anticipating appearing before the Planning Commission in January 2019 and hopefully this Board in February 2019. Our request for approval is for 720 residential units of varying types and sizes with complimentary "amenities." Proposed dwelling types include detached homes ranging from 1,400 to 1,720 square feet of living space and attached dwellings ranging from 600 square feet to 840 square feet. All dwellings will be solar powered and net zero energy rated.

In the planning of Our Lives Community, we relied upon the existing approved zoning and future land use classifications of RES-3 and A-1 respectively of the parcel between our parcel and the existing PD-MU property along I-75 shown in the request before you. The RES-3 FLUC limited the uses that would be permitted adjacent to our project.

The application before you for a change in FLUC to MU uses the following statement to support its request: "The subject properties pose an opportunity for infill development west of I-75 at an intensity that is compatible with the existing development pattern of the surrounding area. The warehouse use and intensity proposed on the subject properties is also more consistent and compatible with the surrounding area than what would be permissible under the current future land use designations."

This statement is patently untrue when considering surrounding lands OUTSIDE of their existing MU project. MU allows an intensity of 1.0-the greatest of all categories in the Comp Plan. It is considered the most intense category in terms of allowable uses as well as floor area and has been used sparingly throughout Manatee County. In support of my position you will find attached to this letter, maps from the Staff Report reflecting the Future Land Use, Zoning and aerial photographs which dispute the compatibility statement.

If one were to look at the County's FLU Map, you will find there is not another single MU designated land adjacent to RES-3. The majority of others are covering portions of large projects or DRI's such as Creekwood, Tara, Heritage Harbour and Lakewood Ranch where the master developer controls adjacent residential lands and can make provisions for use restrictions. In fact, almost all of the MU lands have adjacent "less intense" categories between the MU and the RES like ROR or are bound by major roadways.

We believe that the requested change, if granted, is unprecedented in Manatee County. The fact that more review and consideration of adjacent RES-3 classified lands WITH an active application were not discussed by the staff in their report or at the Planning Commission is disturbing especially since one can clearly see on the Manatee County Staff Report Map attached, that the "Our Live Community", while not yet approved, is shown and should have been considered in the review, not only on the basis of an application in process but also the underlying FLUC and Zoning classifications.

As the owner of the MU lands does not own the adjacent lands to the west, there should be a transition and step down required between the properties. At the time of development plan approval, no amount of buffering or limitation of dimensional standards such as height or setbacks can adequately mitigate the impacts to the adjacent RES-3 lands. The submitted GDP amendment that will be considered by the BOCC subsequent to this request provides no information for the BOCC or adjacent owners to rely upon. There is no proposed use and the wide variety of uses allowed by a future zoning approval is even more problematic. If these lands were to be re-classified as MU, the Board is unable to condition or limit their future uses with this application. We do not believe that the current application complies with policies in the Comprehensive Plan, specifically Policies 2.1.2.7 and 2.6.1.1.

Our request to this Board is not to completely deny this application but rather to delay consideration of it until proposed adjoining uses and compatibility with adjoining neighborhoods are given full consideration and changes or stipulations put in place to comply with the Manatee County Comprehensive Plan and the Manatee County Land Development Code.

Respectfully submitted,

Attachments:  
Original signed letter:  
Supporting documents:

Marshall Gobuty  
Parrish Land Investments, I, LLC  
Managing Member

## Marshall Gobuty

President , Mirabella Florida

Office: (941) 254-3330 | <http://www.mirabellaflorida.com/>

Direct: 941 323 3013 | Call or Text Anytime

1401 Village Green Pkwy Bradenton, FL 34209

[GPS directions to Mirabella](#)



[Project Be Green](#)

**Mirabella**  
**Tomorrow's Homes. Today.**

2016 & 2017 AURORA AWARDS WINNER 2017 NAHB BEST 55+ AWARDS WINNER



Please consider the environment before printing this e-mail!

## **Parrish Land Investments, I, LLC**

The Honorable Priscilla Trace, Chair  
Manatee County Board of County Commissioners  
Manatee County  
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Respectfully submitted,

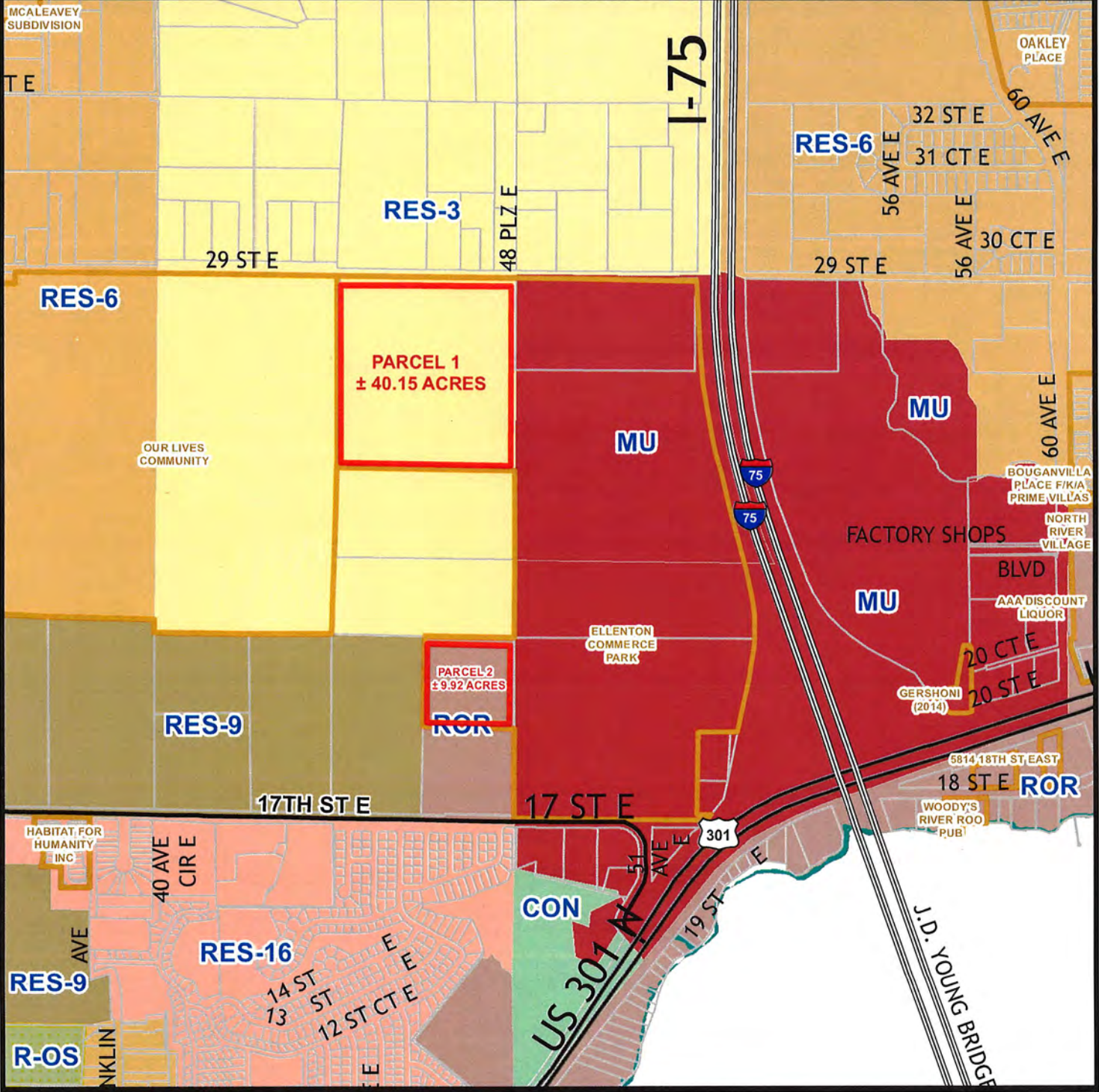


Marshall Gobuty  
Parrish Land Investments, I, LLC  
Managing Member

**35 Watergate Drive, Suite 806, Sarasota, FL, 34236**



# FUTURE LAND USE



Parcel ID #(s) (parts of) 815710009,815800008,811700004,814600003

Project Name: Florida International Tradeport (fka Ellenton Commerce Park)  
 Project #: PA-18-11 / ORD-18-39  
 Accela #: PLN180E-0011

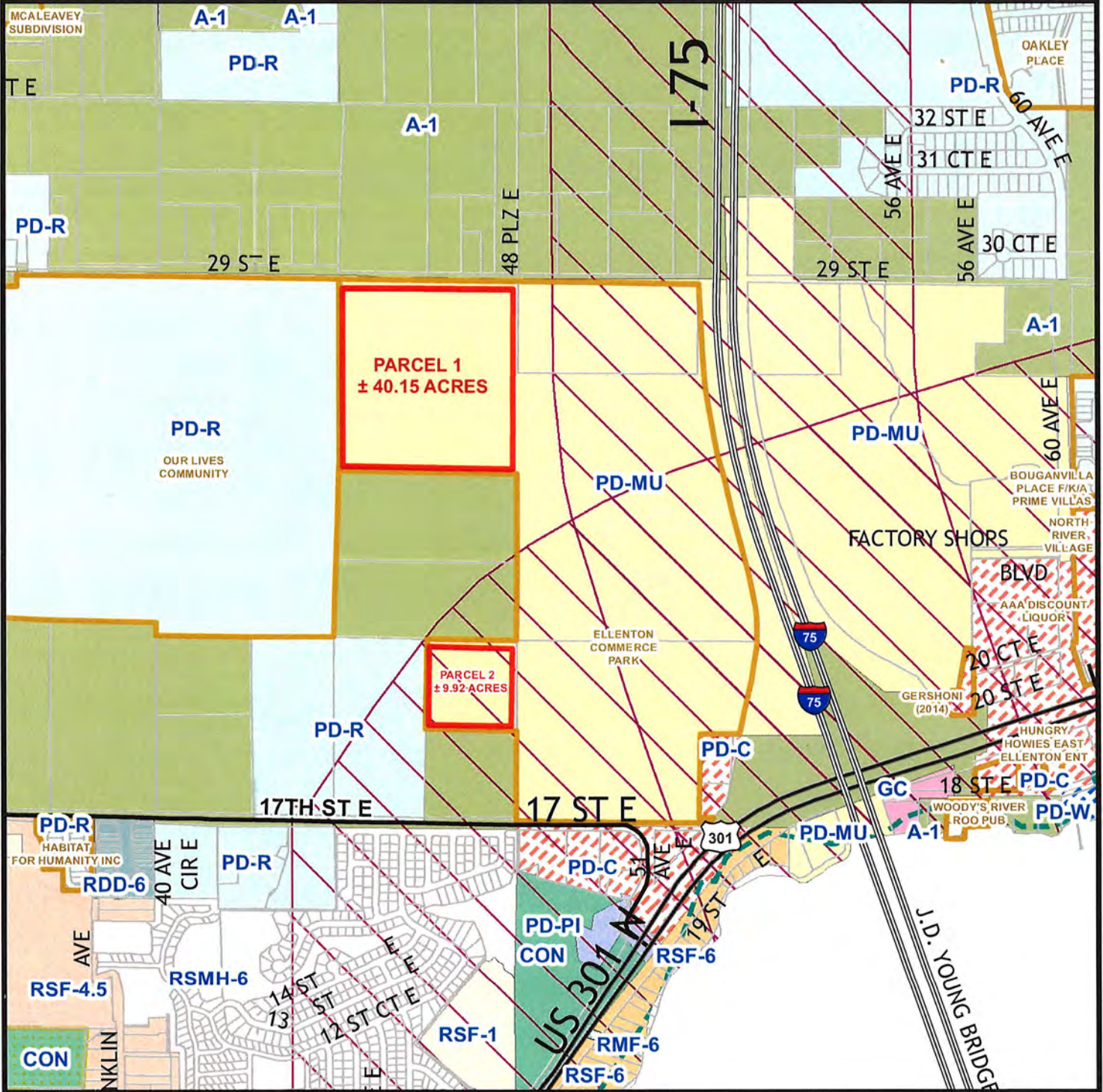
S/T/R: Sec 08,09 Twn 34S Rng 18E  
 Acreage: 50.07  
 Existing Zoning: PD-MU  
 Existing FLU: RES-3, FOR, MU  
 Overlays: NONE  
 Special Areas: CPA

CHH: NONE  
 Watershed: NONE  
 Drainage Basin: MANATEE RIVER BL DAM  
 Commissioner: Priscilla Whisenant Trace


Manatee County  
 Staff Report Map  
 Map Prepared 9/21/2018  
 1 inch = 1,003 feet



# ZONING



Parcel ID #(s) (parts of) 815710009,815800008,811700004,814600003

 Entranceways

Project Name: Florida International Tradeport (fka Elleston Commerce Park)  
 Project #: PA-18-11 / ORD-18-39  
 Accela #: PLN1808-0011

S/T/R: Sec 08,09 Twn 34S Rng 18E  
 Acreage: 50.07  
 Existing Zoning: PD-MU  
 Existing FLU: RES-3, ROR, MU  
 Overlays: NONE  
 Special Areas: CPA

CHH: NONE  
 Watershed: NONE  
 Drainage Basin: MANATEE RIVER BL DAM  
 Commissioner: Priscilla Whisenant Trace



Manatee County  
 Staff Report Map  
 Map Prepared 9/21/2018  
 1 inch = 1,003 feet

# AERIAL



Parcel ID #(s) (parts of) 815710009,815800008,811700004,814600003

Project Name: Florida International Tradeport (fka Ellenton Commerce Park)  
 Project #: PA-18-11 / ORD-18-39  
 Accela #: PLN1808-0011

S/T/R: Sec 08,09 Twn 34S Rng 18E  
 Acreage: 50.07  
 Existing Zoning: PD-MU  
 Existing FLU: RES-3, ROR, MU  
 Overlays: NONE  
 Special Areas: CPA

CHH: NONE  
 Watershed: NONE  
 Drainage Basin: MANATEE RIVER BL DAM  
 Commissioner: Priscilla Whisenant Trace



Manatee County  
 Staff Report Map

Map Prepared 9/21/2018

1 inch = 1,003 feet

# AERIAL



Parcel ID #(s) (parts of) 815710009,815800008,811700004,814600003

Project Name: Florida International Tradeport (fka Ellenton Commerce Park)  
 Project #: PA-18-11 / ORD-18-39  
 Accela #: PLN1808-0011

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 Acreage: 50.07  
 Existing Zoning: PD-MU  
 Existing FLU: RES-3, ROR, MU  
 Overlays: NONE  
 Special Areas: CPA

CHH: NONE  
 Watershed: NONE  
 Drainage Basin: MANATEE RIVER BL DAM  
 Commissioner: Priscilla Whisenant Trace



Manatee County  
 Staff Report Map  
 Map Prepared 9/21/2018  
 1 inch = 654 feet



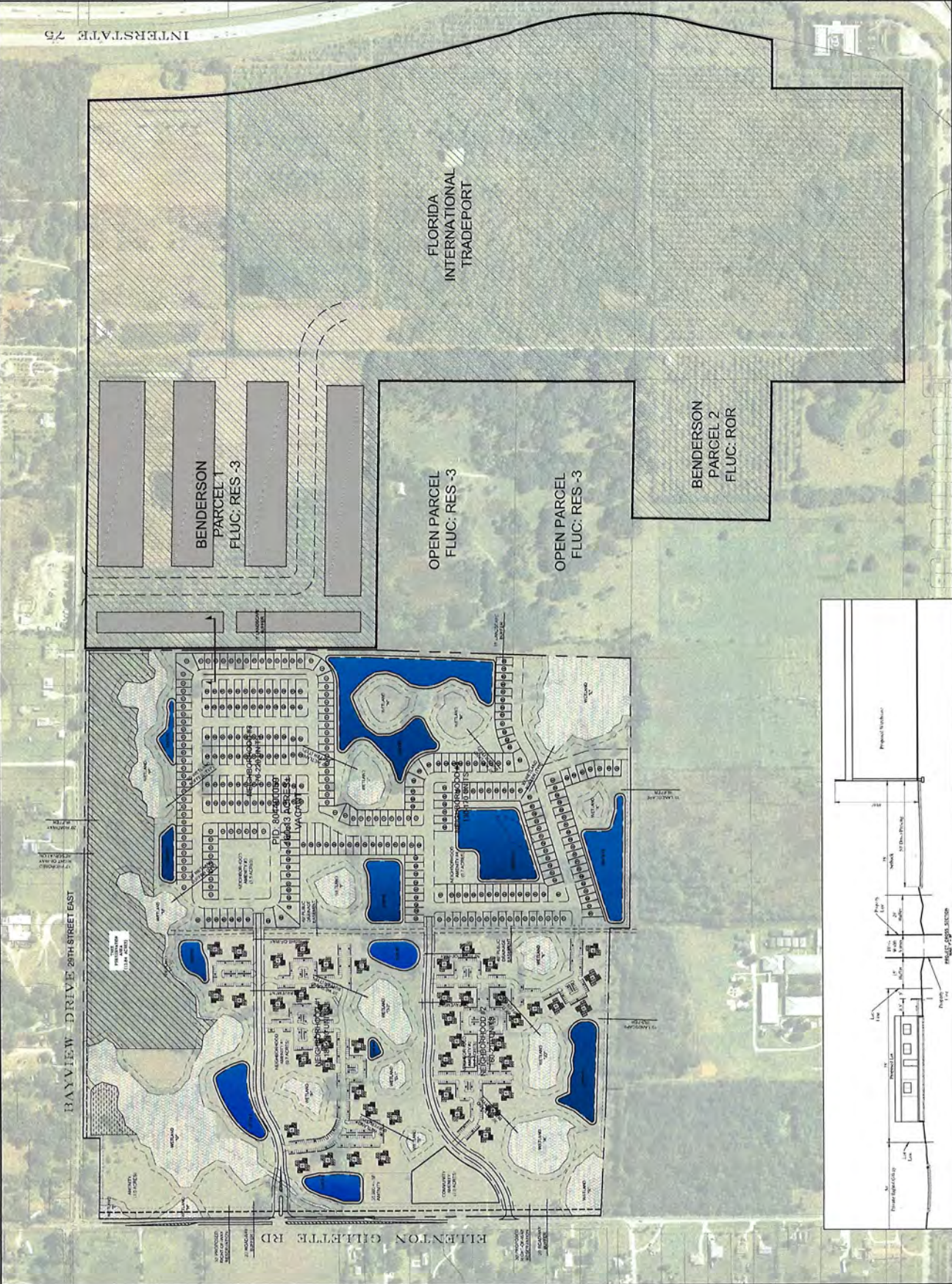
Design By:	JRC
Drawn By:	JRC
Checked By:	JRC
Date:	10/18/2017

Section 08, Township 34 South, Range 18 East  
 Manatee County, Florida

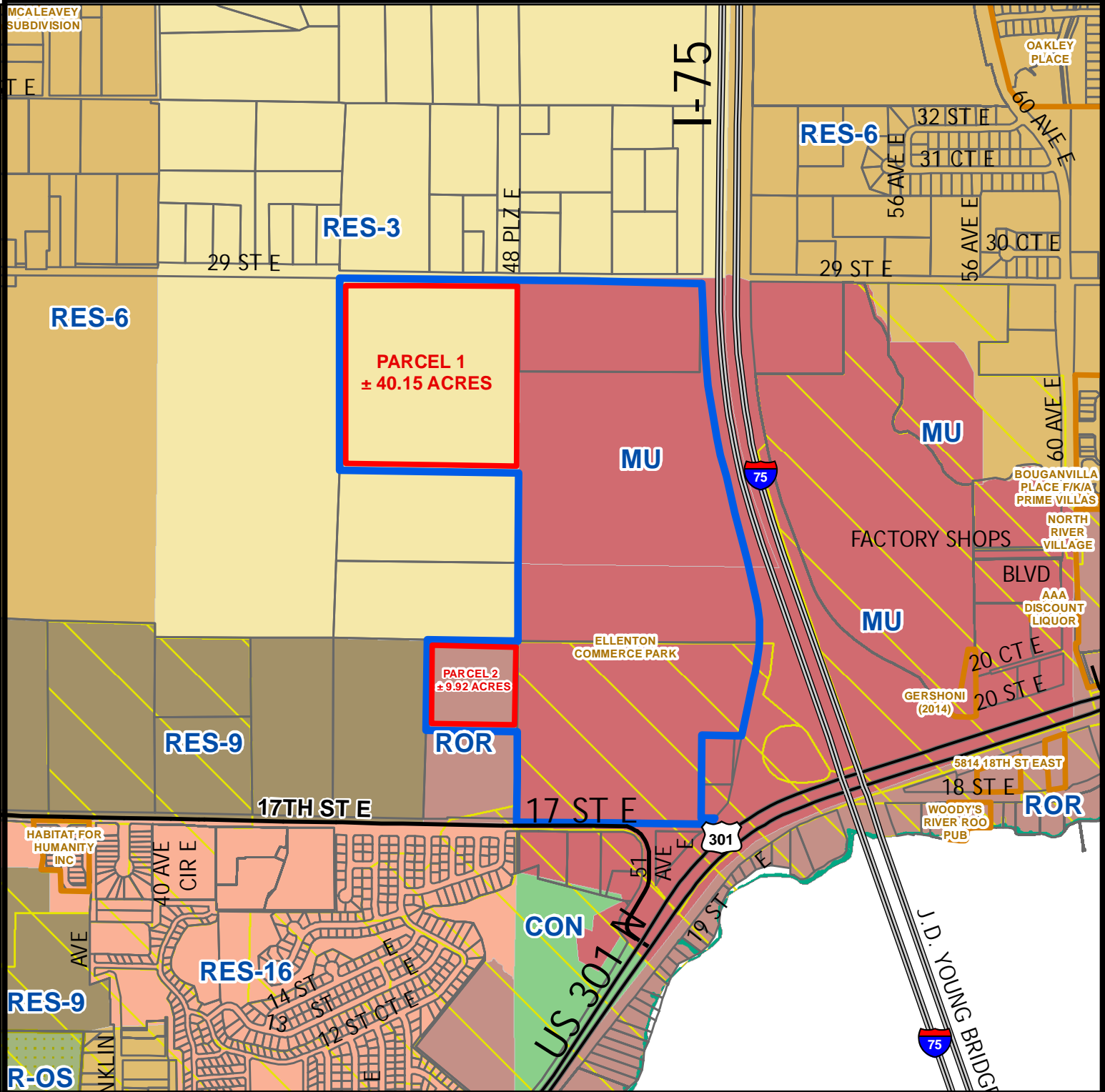
**EX-1**

Sheet 1 of 1  
 Date: 10/18/2017  
 Scale: AS SHOWN

Conceptual Site Plan Exhibit  
 For  
 OurLives Community



# FUTURE LAND USE



Parcel ID #(s) 815710009,815800008,811700004,814600003

Project Name: Florida International Tradeport (fka Ellenton Commerce Park)  
 Project #: PA-18-11 / ORD-18-39  
 Accela #: PLN1808-0011

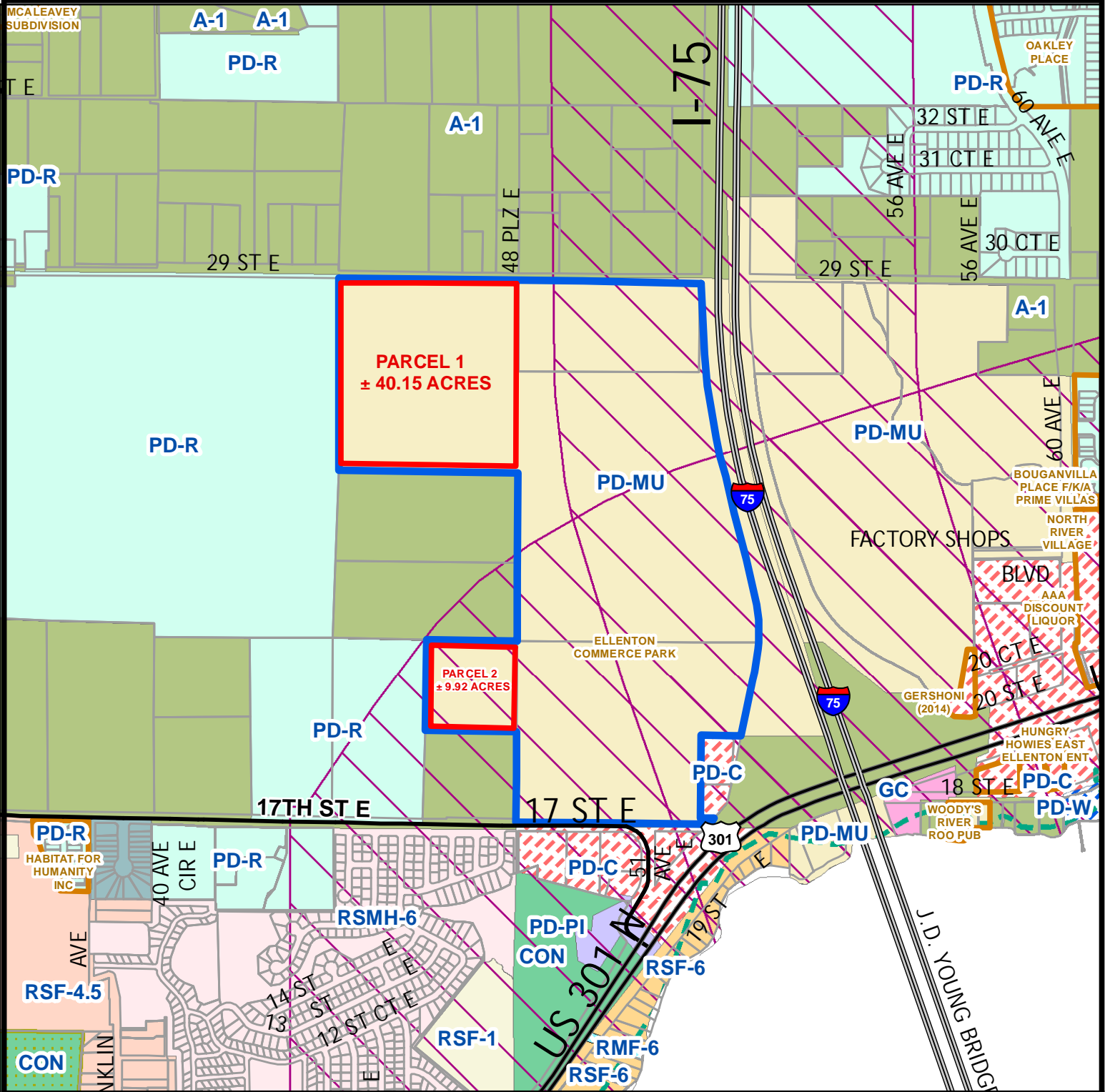
Coastal Planning Area

S/T/R: Sec 08,09 Twn 34S Rng 18E  
 Acreage: 50.07  
 Existing Zoning: PD-MU  
 Existing FLU: RES-3, ROR, MU  
 Overlays: NONE  
 Special Areas: CPA

CHH: NONE  
 Watershed: NONE  
 Drainage Basin: MANATEE RIVER BL DAM  
 Commissioner: Priscilla Whisenant Trace


Manatee County  
 Staff Report Map  
 Map Prepared 5/18/2017  
 1 inch = 1,003 feet

# ZONING



Parcel ID #(s) 815710009,815800008,811700004,814600003

Project Name: Florida International Tradeport (fka Ellenton Commerce Park)  
 Project #: PA-18-11 / ORD-18-39  
 Accela #: PLN1808-0011

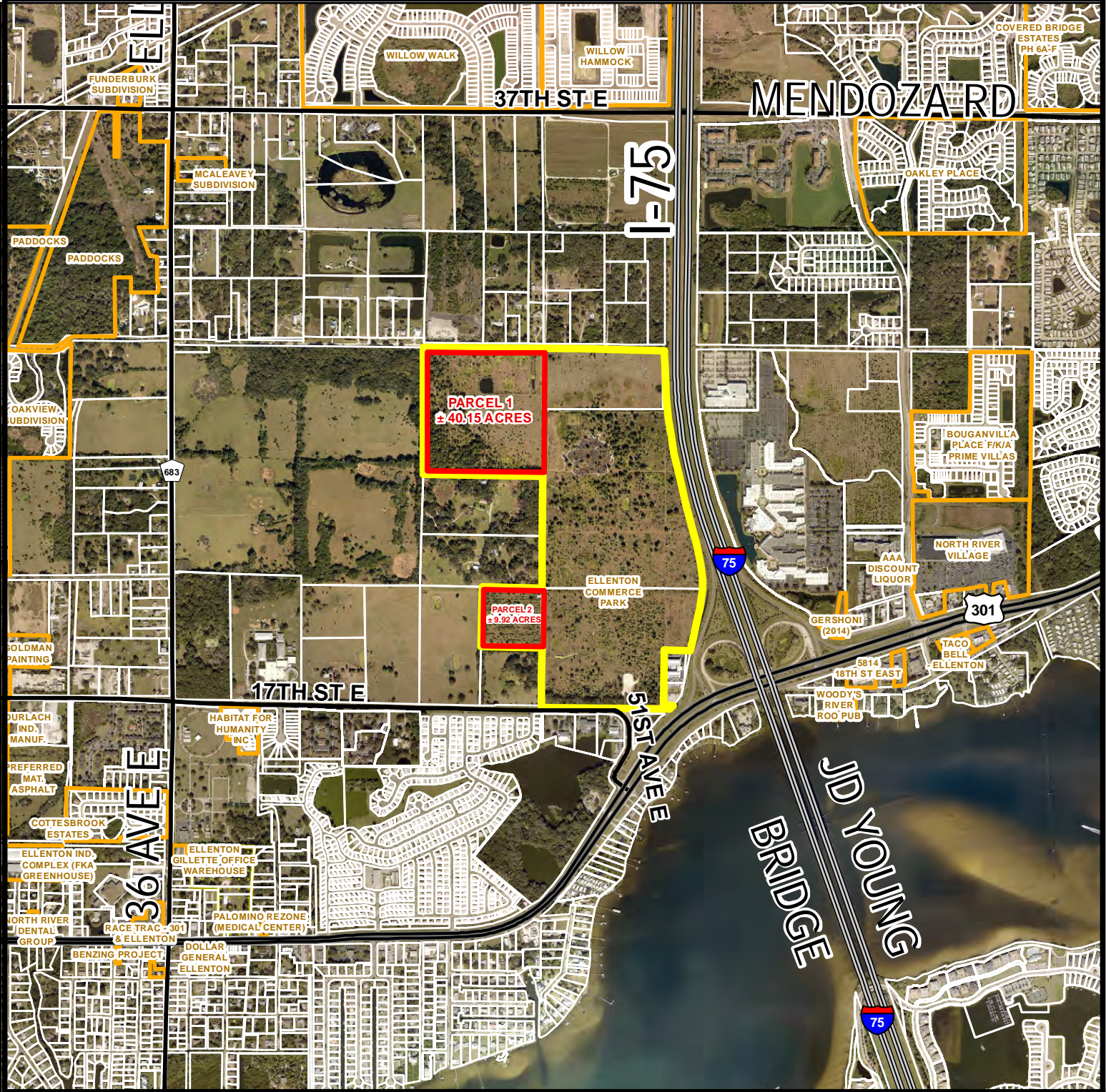
 Entranceways

S/T/R: Sec 08,09 Twn 34S Rng 18E  
 Acreage: 50.07  
 Existing Zoning: PD-MU  
 Existing FLU: RES-3, ROR, MU  
 Overlays: NONE  
 Special Areas: CPA

CHH: NONE  
 Watershed: NONE  
 Drainage Basin: MANATEE RIVER BL DAM  
 Commissioner: Priscilla Whisenant Trace

Manatee County  
 Staff Report Map  
 Map Prepared 10 / 2018  
 1 inch = 1,003 feet

# AERIAL



Parcel ID #(s) 815710009,815800008,811700004,814600003

Project Name: Florida International Tradeport (fka Ellenton Commerce Park)  
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 Existing FLU: RES-3, ROR, MU  
 Overlays: NONE  
 Special Areas: CPA

CHH: NONE  
 Watershed: NONE  
 Drainage Basin: MANATEE RIVER BL DAM  
 Commissioner: Priscilla Whisenant Trace

Manatee County  
 Staff Report Map  
 Map Prepared 10 /2018  
 1 inch = 1,510 feet



# AERIAL



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Project Name: Florida International Tradeport (fka Ellenton Commerce Park)  
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 Existing Zoning: PD-MU  
 Existing FLU: RES-3, ROR, MU  
 Overlays: NONE  
 Special Areas: CPA

CHH: NONE  
 Watershed: NONE  
 Drainage Basin: MANATEE RIVER BL DAM  
 Commissioner: Priscilla Whisenant Trace



Manatee County  
 Staff Report Map  
 Map Prepared 10 /2018  
 1 inch = 596 feet