

Manatee County Ordinance

PDMU-22-14(P) – ELLENTON SPRINGHILL SUITES – ROCKY BLUFFS LODGING, LLC (Owner) – PLN2205-0120

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, REGARDING LAND DEVELOPMENT, APPROVING A PRELIMINARY SITE PLAN LOCATED ON REAL PROPERTY ZONED PDMU/CHH (PLANNED DEVELOPMENT MIXED USE/COASTAL HIGH HAZARD) TO ALLOW DEVELOPMENT WITH A 119-ROOM, 85,116.5 SQUARE FOOT 6-STORY (5-STORIES OVER PARKING) HOTEL WITH ASSOCIATED INFRASTRUCTURE AND AMENITIES, ON 2.10 ACRES, GENERALLY LOCATED ON THE SOUTH SIDE OF 18TH STREET EAST, APPROXIMATELY 300 FEET SOUTH OF US 301 AND 125 FEET EAST OF 60TH AVENUE EAST, AND COMMONLY KNOWN AS 6115 18TH STREET EAST, ELLENTON (MANATEE COUNTY); SUBJECT TO STIPULATIONS AS CONDITIONS OF APPROVAL; SETTING FORTH FINDINGS; PROVIDING A LEGAL DESCRIPTION; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Rocky Bluffs Lodging, LLC (the “Applicant”) filed an application for a Preliminary Site Plan located on real property zoned PDMU/CHH (Planned Development Mixed Use/Coastal High Hazard) to allow development with a 119-room, 85,116.5 square foot 6-story (5-stories over parking) hotel with associated infrastructure and amenities on approximately 2.10 acres as described in Exhibit “A”, attached hereto, (the “Property”); and

WHEREAS, the applicant also filed a request for Specific Approval for an alternative to Land Development Code Sections: 1) 401.3.E.11 to allow an encroachment of a total of 415 square feet into the 15-foot wetland buffer setback; 2) 701.3.A.4 to allow more than ten (10) parking spaces in a row without internal landscape islands; and 3) 900.6.B to allow elimination of the requirement to provide cross access easements for an Entranceway project; and

WHEREAS, the Manatee County Planning Commission, after due public notice, held a public hearing on to consider the Preliminary Site Plan and Specific Approval applications 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 Preliminary Site Plan and Specific Approval applications consistent with the Manatee County Comprehensive Plan and to satisfy the criteria for approval in the Manatee County Land Development Code and recommended approval subject to the stipulations in the staff report.

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 Manatee County Planning Commission concerning the application for a Preliminary Site Plan and Specific Approval as it relates to the real property described in Exhibit "A" of this Ordinance.

B. The Board of County Commissioners, after due public notice, held a public hearing on regarding the proposed Ordinance described herein in accordance with the requirements of the Manatee County Land Development Code and has further considered the information received at said public hearing.

C. The proposed Ordinance regarding the property described in Exhibit "A" herein is found to be consistent with the requirements of the Manatee County Comprehensive Plan and to satisfy the criteria for approval in the Land Development Code.

D. Notwithstanding the failure of this plan to comply with the requirements of LDC Section 401.3, E.11. the Board finds that the purpose of the LDC regulation is satisfied to an equivalent degree by the proposed design because applicant will be planting additional wetland buffer plantings, paying into a wetland mitigation bank, preserving the wetland and mangrove fringe, and having the stormwater pond and floodplain comp areas in between the reduced setback areas and the river.

E. Notwithstanding the failure of this plan to comply with the requirements of LDC Section 401.3, E.11. the Board finds that the purpose of the LDC regulation is satisfied to an equivalent degree by the proposed design because applicant will be planting additional landscape materials in two larger islands elsewhere on site, and wider islands at the beginning of parking bays and along the buildings.

F. Notwithstanding the failure of this plan to comply with the requirements of LDC Section 900.6.B.2 the Board finds that the purpose of the LDC regulation is satisfied to an equivalent degree by the proposed design because the project will not be taking access off a frontage road, but instead, a local road, which meets the intent, and no opportunities exist to establish cross access to adjacent properties.

Section 2. PRELIMINARY SITE PLAN. The Preliminary Site Plan is hereby approved for property zoned PDMU/CHH (Planned Development Mixed Use/Coastal High Hazard) to allow development with a 119-room, 85,116.5 square foot 6-story (5-stories over parking) hotel with associated infrastructure and amenities, upon the property subject to the following Stipulations:

A. DESIGN AND LAND USE

1. All other applicable local, state or federal permits shall be obtained prior to commencement of construction.
2. All roof mounted mechanical equipment (e.g., HVAC) shall be screened with a solid parapet wall or other visual and noise deflecting materials. The materials shall be consistent with the construction of the principal building(s). Compliance shall be verified with review of the building permit.

3. All dumpsters, compactors, and other utility equipment shall be screened with a six-foot high wall constructed with building materials consistent with the principal building(s). Compliance shall be verified with review of the building permit.
4. At time of Final Site Plan submittal the applicant shall provide an Archaeological Survey of the site for staff review.
5. A hurricane evacuation plan shall be reviewed and approved by the Manatee County Public Safety Department and shall be implemented according to the applicable regulations of the Land Development Code and the Comprehensive Plan.
6. The hotel building shall be constructed to be in substantial conformance with the building elevations provided and made a part of the approval ordinance (Exhibit "B") and shall comply with Section 401.5 and all other applicable sections of the LDC, at time of Final Site Plan review and approval.

B. ENVIRONMENTAL

1. All other applicable state or federal permits shall be obtained prior to commencement of development.
2. There are 0.17 acres of impacts to jurisdictional wetlands or wetland buffers being approved by the adoption of this Ordinance.
3. An updated study shall be conducted, 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. The Management Plan, and correspondence and permits, approved by the State (Florida Fish and Wildlife Conservation Commission) shall be submitted prior to the commencement of development for any listed species found on site.
4. If wells are encountered, a Well Management Plan for the proper protection and abandonment of existing wells shall be submitted to the EPS for review and approval prior to recommencing construction activities. 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.
5. 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.

C. DEVELOPMENT REVIEW

1. 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.
2. Because this project is in the costal high hazard area the potable water and reclaimed water shall be master metered. All potable water and reclaimed water facilities downstream of the master meter and all sanitary sewer facilities within the development shall be privately owned and maintained. Furthermore, the applicant shall adhere to any special construction requirements for utilities within the costal high hazard area that are in place at the time of Final Site Plan submittal. Such special construction requirements may include but are not limited to installation of leak proof manhole covers or controlling the elevation that any at or above grade potable water, reclaimed water or sanitary sewer facility or appurtenance is installed.

D. STORMWATER

1. Pursuant to Section 801 Land Development Code, Manatee County Floodplain Ordinance (Ordinance #20-22, or as amended), and Code of Federal Regulations (CFR), Title 44, Section 60.3, the Final Site Plan and associated Drainage Modeling shall demonstrate that no adverse impacts will be created to neighboring properties surrounding the site with respect to proposed impacts to the FEMA 2021 effective FIRM 100-year floodplain, 25-year Floodplain, and post-development discharge of runoff. Drainage Modeling shall be submitted to demonstrate compliance prior to commencement of construction.
2. All fill within the 25- and 100-year floodplain of the Manatee River shall be compensated by the creation of an equal or greater storage volume above seasonal high-water table or drainage modeling to demonstrate, in post-development condition, that no adverse impacts are created to adjacent property. Floodplain mitigation is only required for the freshwater component of flooding as determined by the 25-year floodplain and the 2021 effective FEMA Flood Insurance Study (FIS) for the Manatee River. The 25-year flood stage is 1.73 feet (NAVD) and the 100-year flood stage based upon rainfall/riverine component of the 100-year floodplain pursuant to the FEMA 2014 FIRM is 2.6 feet (NAVD) at the I-75 Trooper I.D. Young Bridge over the Manatee River.

Section 3. SPECIFIC APPROVAL. Specific Approval is hereby granted for alternatives to Land Development Code Sections: 1) 401.3.E.11 to allow an encroachment of a total of 415 square feet into the 15-foot wetland buffer setback; 2) 701.3.A.4 to allow more than ten (10) parking spaces in a row without internal landscape islands; and 3) 900.6.B to allow elimination of the requirement to provide cross access easements for an Entranceway project. Specific Approval shall continue in effect and shall expire concurrent with the Preliminary Site Plan for the project approved pursuant to Section 2 hereof.

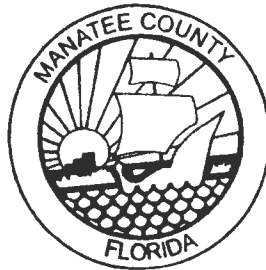
Section 4. SEVERABILITY. If any section, sentence, clause, or other provision of this Ordinance shall be held to be invalid or unconstitutional by a court of competent jurisdiction, such section, sentence, clause, or provision shall be deemed severable, and such invalidity or unconstitutionality shall 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. 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 7. 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 24th day of May 2023.



**BOARD OF COUNTY
COMMISSONERS OF MANATEE
COUNTY, FLORIDA.**

BY: _____

Kevin Van Ostenbridge, Chairman

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

BY: _____

Deputy Clerk

Exhibit "A"

Legal Description

PARCEL 1

THAT PART OF THE FOLLOWING DESCRIBED PARCEL, VIZ:

PROPERTY DESCRIBED AS: BEGIN AT USUAL HIGH WATER MARK AT THE MOUTH OF BUSHNELL CREEK WHERE IT EMPTIES INTO MANATEE RIVER; THENCE EASTERLY ON NORTH BANK OF RIVER 210 FEET, NORTH 210 FEET, WEST 210 FEET, SOUTH 210 FEET TO POINT OF BEGINNING; ALSO, A STRIP BEGINNING AT THE NORTHEAST CORNER OF LOT 14, VANDERPIPE SUBDIVISION (PLAT BOOK 1, PAGE 115), WEST TO BANK OF SMALL CREEK APPROXIMATELY 273 FEET; SOUTH 270 FEET TO SOUTH BOUNDARY OF SAID LOT 14, 210 FEET TO SOUTHEAST CORNER THEREOF; THENCE NORTH 210 FEET TO THE BEGINNING; ALSO, STREET AS VACATED IN OFFICIAL RECORDS BOOK 19, PAGE 665, PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA, LYING AND BEING IN SECTION 9, TOWNSHIP 34 SOUTH, RANGE 18 EAST, LYING SOUTHERLY OF OLD U.S. HIGHWAY 301 (TAMIAMI TRAIL) AND BEING MORE PARTICULARLY DESCRIBED AS:

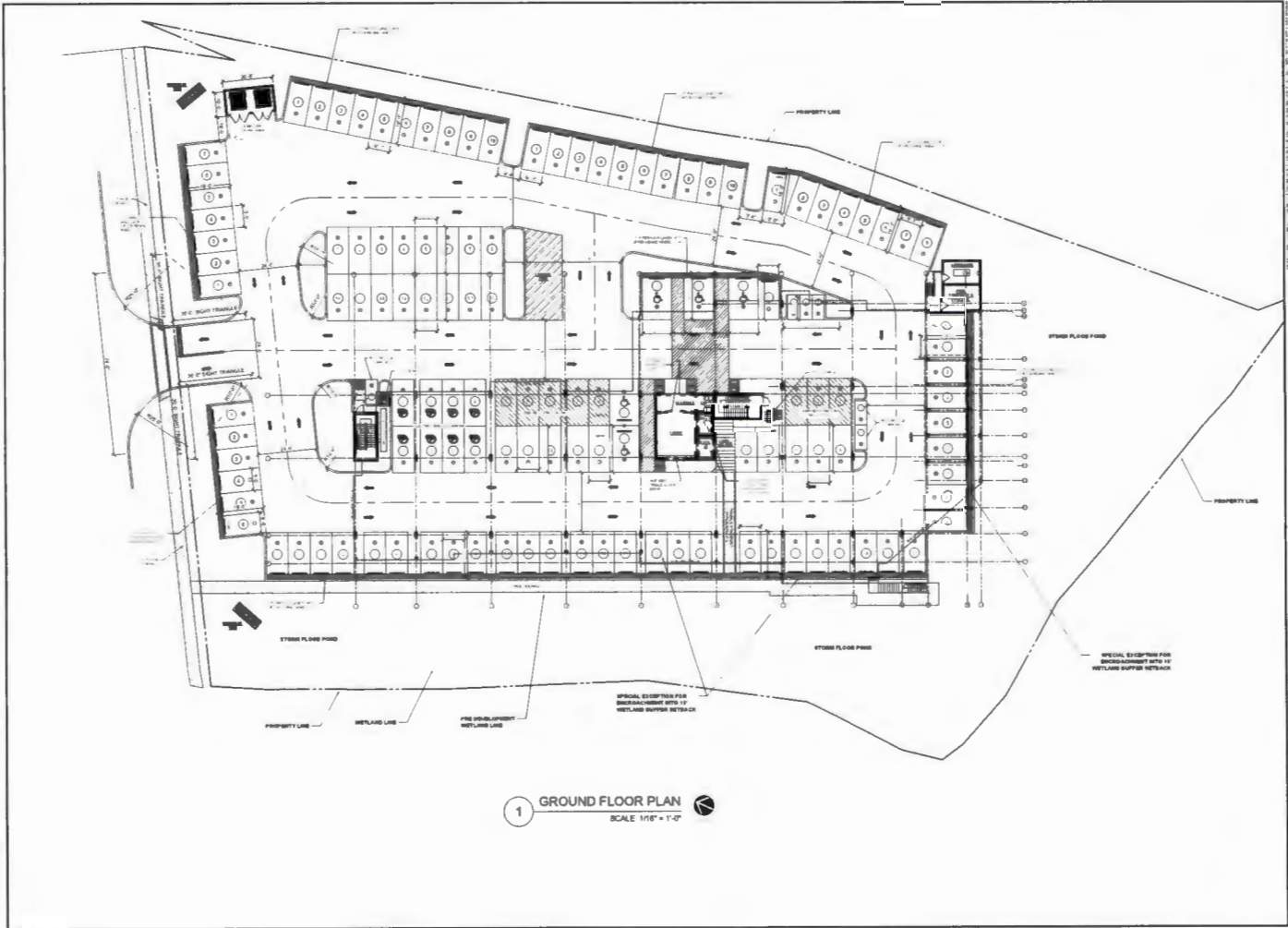
FROM THE NORTHWEST CORNER OF BLOCK 13, PHILLIPS & ALLEN'S RE-SUBDIVISION OF W.H. VANDERPIPE SUBDIVISION, AS RECORDED IN PLAT BOOK 1, PAGE 308-A, PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA; RUN S00°45'00"W, ALONG THE WEST LINE OF SAID BLOCK 13, BEING ALSO THE EAST LINE OF THAT PARCEL MARKED "DAY", A DISTANCE OF 113.70 FEET TO THE INTERSECTION OF SAID WEST LINE WITH THE SOUTHERLY RIGHT OF WAY LINE OF TAMIAMI TRAIL (OLD U.S. HIGHWAY 301) AS SHOWN ON THE PLAT OF "ROCKY BLUFF SHORES", AS RECORDED IN PLAT BOOK 5, PAGE 16, SAID PUBLIC RECORDS, AND THE POINT OF BEGINNING; THENCE S60°41'03"W, ALONG SAID SOUTHERLY RIGHT OF WAY LINE, A DISTANCE OF 281 FEET, MORE OR LESS, TO INTERSECT THE WATERS OF BUSHNELL CREEK, THENCE SOUTHERLY ALONG THE WATERS OF BUSHNELL CREEK AND EASTERLY ALONG THE WATERS OF THE MANATEE RIVER TO INTERSECT THE WEST LINE OF LOT 3, OF SAID PHILLIPS & ALLEN'S RE-SUBDIVISION; THENCE N00°45'00"E, ALONG SAID WEST LINE AND NORTHERLY EXTENSION, A DISTANCE OF 282 FEET, MORE OR LESS, TO THE CENTER OF A VACATED STREET; THENCE S88°25'00"W, ALONG SAID CENTER OF SAID VACATED STREET, A DISTANCE OF 96.41 FEET TO INTERSECT THE SOUTHERLY EXTENSION OF THE ABOVE DESCRIBED WEST LINE OF BLOCK 13 OF PHILLIPS & ALLEN'S RE-SUBDIVISION; THENCE N00°45'00"E, ALONG SAID WEST LINE, A DISTANCE OF 205.96 FEET TO THE POINT OF BEGINNING. LYING AND BEING IN SECTION 9, TOWNSHIP 34 SOUTH, RANGE 18 EAST.

LESS AND EXCEPT ANY PORTION OF THE ABOVE DESCRIBED LANDS CONVEYED TO PELICAN PIER PARTNERS CORP., A FLORIDA CORPORATION, BY WARRANTY DEED RECORDED IN OFFICIAL RECORDS BOOK 1405, PAGE 1629, PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA.

PARCEL 2

BEGIN AT AN IRON PIPE, MARKING THE NORTHWEST CORNER OF BLOCK 13, PHILLIPS AND ALLEN'S RESUBDIVISION OF W.H. VANDERPIPE SUBDIVISION, AS RECORDED IN PLAT BOOK 1, PAGE 308-A OF THE PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA, THENCE S00°45'00"E, ALONG THE WEST LINE OF SAID BLOCK 13, 113.70 FEET TO A CONCRETE MONUMENT,

MARKING THE INTERSECTION OF SAID WEST LINE AND THE SOUTHEASTERLY RIGHT-OF-WAY OF TAMIAMI TRAIL (OLD U.S. HIGHTWAY #301) AS SHOWN ON THE PLAT OF "ROCKY BLUFF SHORES," AS RECORDED IN PLAT BOOK 5, PAGE 16 OF THE PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA. FOR A POINT OF BEGINNING; THENCE CONTINUE S00°45'00"E, ALONG SAID WEST LINE AND SOUTHERLY EXTENSION THEREOF, 205.96 FEET TO THE INTERSECTION OF SAID LINE AND THE CENTERLINE OF A VACATED STREET; THENCE N88°25'00"E, ALONG SAID CENTERLINE, 41.84 FEET; THENCE N10°48'59"W, 208.49 FEET TO THE POINT OF BEGINNING, BEING AND LYING IN SECTION 9, TOWNSHIP 34 SOUTH, RANGE 18 EAST, MANATEE COUNTY, FLORIDA.



PROJECT SPRINGHILL SUITES BY MARRIOTT 6115 18TH STREET E, ELLENTON, FL 34222 GROUND FLOOR PLAN							
ARCHITECT JOHN A. BODZIAK ARCHITECT AIA, P.A. 1100 N. 10TH STREET, SUITE 200 TAMPA, FL 33604 TEL: 813.271.1000 FAX: 813.271.1001	DATE: 08-20-2022 DRAWN BY: JAB CHECKED BY: JAB SCALE: 1/16" = 1'-0"						
REVISIONS <table border="1"> <thead> <tr> <th>NO.</th> <th>DATE</th> <th>DESCRIPTION</th> </tr> </thead> <tbody> <tr> <td>1</td> <td>08-20-2022</td> <td>ISSUED FOR PERMIT</td> </tr> </tbody> </table>		NO.	DATE	DESCRIPTION	1	08-20-2022	ISSUED FOR PERMIT
NO.	DATE	DESCRIPTION					
1	08-20-2022	ISSUED FOR PERMIT					
NOTES 1. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE BUILDING CODES AND STANDARDS.							
APPENDIX A-1.11							

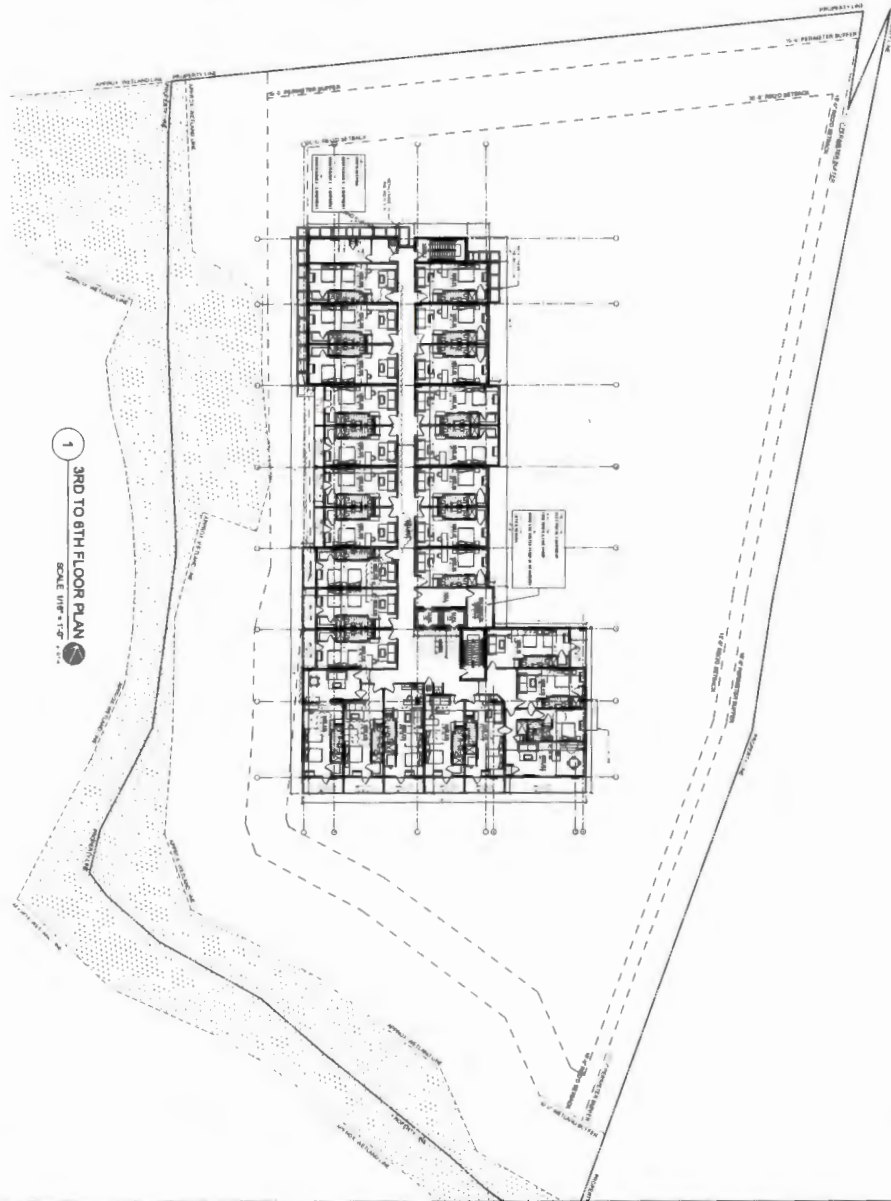
18th STREET EAST

1
2ND FLOOR PLAN
SCALE 1/8" = 1'-0"

A-1.12	JOHN A. BODZIAK ARCHITECT AIA PA <small>ARCHITECT: PAUL, BODZIAK AND CONSTRUCTION MANAGEMENT FLORIDA BODZIAK AND CONSTRUCTION MANAGEMENT 240 480 STREET N. SUITE 100 TAMPA, FLORIDA 33614 TEL: (727) 827-1800 FAX: (727) 827-8888</small>	PROJECT	SPRINGHILL SUITES BY MARRIOTT 8115 18TH STREET E, ELLENTON, FL 34222 2ND FLOOR PLAN	NO.	DATE	BY	APP.

18th STREET EAST

1
3RD TO 6TH FLOOR PLAN
SCALE 1/8" = 1'-0"



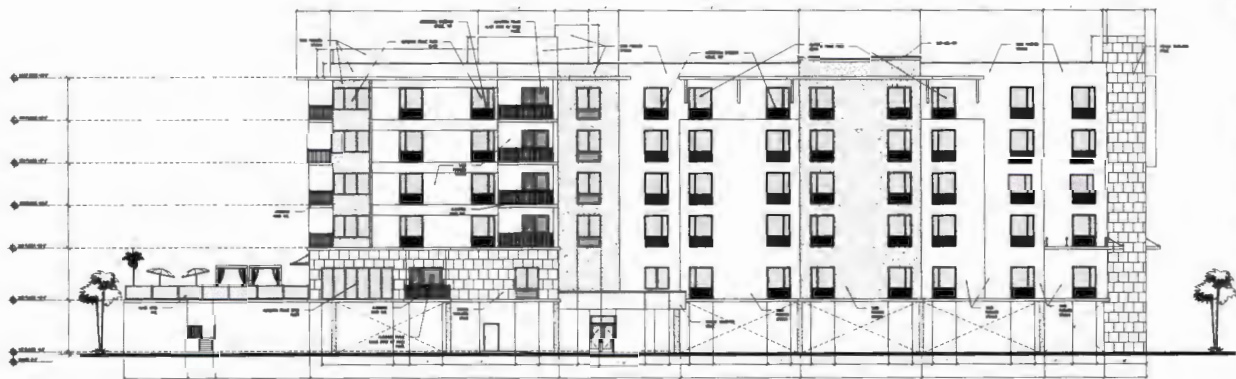
A-1.13

JOHN A. BODZIAK
ARCHITECT AIA PA
ARCHITECTURAL DESIGN AND CONSTRUCTION MANAGEMENT
FLORIDA REG. NO. 14040 - BODZIAK
ORLANDO, FLORIDA 32801
342 400 STREET N. SUITE 100 PETERSBURG, FLORIDA 33714
TEL: 772-337-1888 FAX: 772-337-8888

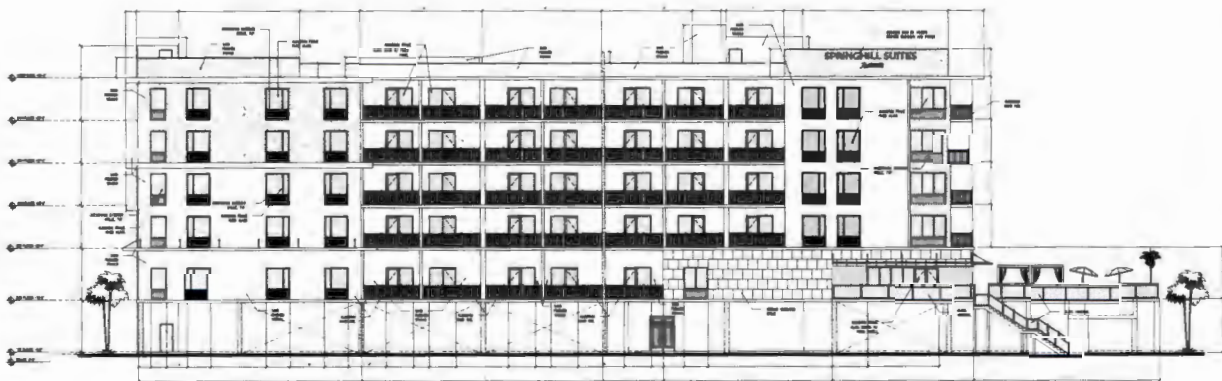
PROJECT
SPRINGHILL SUITES BY MARRIOTT
6115 18TH STREET E, ELLENTON, FL 34222
3RD TO 6TH FLOOR PLAN

NO.	DATE	DESCRIPTION
1	08/11/11	ISSUED FOR PERMIT
2	08/11/11	ISSUED FOR PERMIT
3	08/11/11	ISSUED FOR PERMIT
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7	08/11/11	ISSUED FOR PERMIT
8	08/11/11	ISSUED FOR PERMIT
9	08/11/11	ISSUED FOR PERMIT
10	08/11/11	ISSUED FOR PERMIT

NOTES:
1. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE BUILDING CODES AND STANDARDS.
2. ALL MATERIALS AND WORKMANSHIP SHALL BE SUBJECT TO INSPECTION AND APPROVAL BY THE LOCAL BUILDING DEPARTMENT.
3. THE OWNER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS.
4. THE ARCHITECT SHALL BE RESPONSIBLE FOR THE DESIGN AND CONSTRUCTION MANAGEMENT OF THE PROJECT.
5. THE ARCHITECT SHALL BE RESPONSIBLE FOR THE COORDINATION OF ALL DISCIPLINES AND TRADES.
6. THE ARCHITECT SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL EXISTING UTILITIES AND STRUCTURES.
7. THE ARCHITECT SHALL BE RESPONSIBLE FOR THE MAINTENANCE OF ALL RECORDS AND DOCUMENTS.
8. THE ARCHITECT SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL PERSONAL AND CONFIDENTIAL INFORMATION.
9. THE ARCHITECT SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL INTELLECTUAL PROPERTY RIGHTS.
10. THE ARCHITECT SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL ENVIRONMENTAL RESOURCES.



EAST (FRONT) ELEVATION

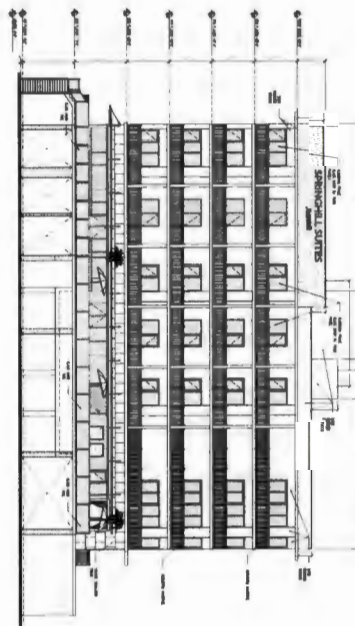


WEST (REAR) ELEVATION

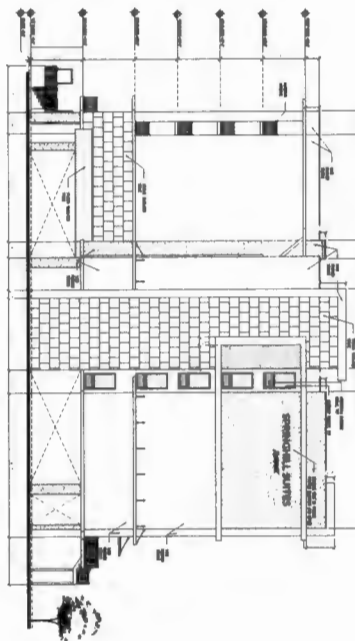
PROJECT
SPRINGHILL SUITES BY MARRIOTT
 6115 16TH STREET E, ELLENTON, FL 34222
 EAST (FRONT) ELEVATION
 WEST (REAR) ELEVATION

JOHN A. BODZIAK
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 TEL: 813.251.1111 FAX: 813.251.1112
 WWW.JABODZIAK.COM

CS 111
 08/2022
 2021-057
A-2.01



⊙ NORTH (LEFT SIDE) ELEVATION



⊙ SOUTH (RIGHT SIDE) ELEVATION



FLORIDA DEPARTMENT *of* STATE

RON DESANTIS
Governor

CORD BYRD
Secretary of State

May 25, 2023

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

Attention: Vicki Tessmer

Dear Honorable Angelina Colonnese:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of Manatee County Ordinance No. PDMU-22-14(P), which was filed in this office on May 25, 2023.

Sincerely,

Anya Owens
Administrative Code and Register Director

ACO/wlh