

Manatee County Ordinance

PDMU/PDR-23-01(P) – LEGENDS COVE PRELIMINARY SITE PLAN (FKA SARABAY) – PALMETTO TOWN CENTRE, LLC – (PLN2209-0095)

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, REGARDING LAND DEVELOPMENT, APPROVING A PRELIMINARY SITE PLAN FOR THE DEVELOPMENT OF 189 SINGLE-FAMILY DETACHED UNITS (PHASE I ALREADY BUILT) ON 84.49 ACRES ZONED PDR (PLANNED DEVELOPMENT RESIDENTIAL) AND 60 MULTI-FAMILY UNITS IN 15 QUADRAPLEX BUILDINGS (PHASE II) ON 11.61 ACRES ZONED PDMU (PLANNED DEVELOPMENT MIXED USE); THE APPROXIMATELY 96.1 ACRES PROPERTY IS GENERALLY LOCATED NORTH OF SARASOTA BAY, NORTH AND SOUTH OF EL CONQUISTADOR PARKWAY AND 1.0 MILE WEST OF THE INTERSECTION WITH 34TH STREET W, 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.

WHEREAS, Palmetto Town Centre, LLC (the “Applicant”) filed an application for a Preliminary Site Plan for the development of 189 Single-Family Detached Units (Phase I Already Built) on 84.49 acres zoned PDR (Planned Development Residential) and 60 Multi-Family Units In 15 Quadraplex Buildings (Phase II) on 11.61 acres zoned PDMU (Planned Development Mixed Use); 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 401.3.E.9 to reduce the required waterfront yard setback from 30 feet to 15 feet for Buildings 10-15 located on the Northern Portion of the site (Phase II); and

WHEREAS, the Manatee County Planning Commission, after due public notice, held a public hearing on February 9, 2023, 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 February 16, 2023, 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. The Board finds that the purpose and intent of Section 401.3.E.9 has been satisfied to an equal or greater degree, because of the effort to provide stormwater treatment for the new surface of El Conquistador Parkway, additional 10’ of right-of-way along El Conquistador Parkway, and a wider road buffer.

Section 2. PRELIMINARY SITE PLAN. The Preliminary Site Plan is hereby approved for a Preliminary Site Plan for the development of 189 Single-Family Detached Units (Phase I Already Built) on 84.49 acres zoned PDR (Planned Development Residential) and 60 Multi-Family Units In 15 Quadraplex Buildings (Phase II) on 11.61 acres zoned PDMU (Planned Development Mixed Use) upon the property subject to the following Stipulations:

1. Design and Planning

a. 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 home buyers of the following:

(1) That they are purchasing a home in the 100 year flood plain and within the Coastal High Hazard, Coastal Evacuation, and ~~Coastal Storm Vulnerability~~ Coastal Planning Areas.

(2) The use of special assessments within the CH Overlay District to recoup expenditures for repair of storm related damage to public and private infrastructure within a reasonable time may occur.

(3) That a Hurricane Evacuation Plan approved by the Public Safety Department exists for this project.

(4) A hazard disclosure statement generally describing the property’s relative probability of damage from floodwaters. This disclosure shall also list potential mitigation strategies including elevation, where the builder has exceeded floodplain construction standards, and other potential measures to increase safety.

(5) The presence of neighboring agricultural uses, including possible use of pesticides and herbicides and of odor and noises associated with agricultural uses.

- b. Building elevations shall be provided with the Final Site Plan and/or building permit for review and approval.
 - c. The roadway buffer abutting El Conquistador Parkway ~~future~~ roundabout shall be 20' in width and planted with one row of canopy trees of 5" caliper, at least 15 feet in height, with a 6' spread, and spaced 25' on center with the required hedge. Replacement plantings shall be required for any landscape that has died or is not fulfilling the original purpose. The required 8' high stucco-finished painted wall shall remain at the rear property line of lots abutting the roundabout.
 - d. The perimeter buffer for Phase 2 shall have a minimum width of 15' and be planted with one row of 5" caliper canopy trees, 14' in height, with a 6' spread, and spaced 25' on center with a hedge. Replacement plantings shall be required for any landscape that has died or is not fulfilling the original purpose. The required 8' high painted stucco wall or decorative fencing shall remain within 12' of the property line and all required landscaping shall be planted on the exterior side of the wall or fence.
 - e. Overhead power lines or detention or retention ponds shall not be located within the landscape buffers, greenbelts, or tree stands designated for preservation.
 - f. Existing native vegetation and tree groupings within upland areas of the site along the perimeter buffers shall be preserved to fulfill screening requirements, where feasible.
 - g. (Completed) Required setbacks for single-family detached shall be:
 - Front: 25'*
 - Side: 6'
 - Rear: 15'
- *20' with side load garages.
- h. A 30' waterfront setback is required for all structures, except structures adjacent to the northwest pond in Phase II.
 - i. If dumpsters are used in Phase 2, they shall not be visible from El Conquistador Parkway. 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.
 - j. Maximum building height shall be 35' above Flood Protection Elevation.
 - k. Roads and utilities within the project shall be private.
 - l. The Final Subdivision Plat shall include a 5' wide non-vehicular ingress/egress easement along both sides of El Conquistador Parkway.
 - m. No construction activity shall occur on Sundays. On all other days construction activity shall be limited to the hours between 7:00 a.m. and sundown.

n. 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.

o. Final Site Plan (FSP) review and approval is required for recreational area(s) and any proposed amenities. Any structures and/or uses shall comply with the LDC requirements for parking, screening buffer (recreational use to single family), structure height, signage, etc. Recreation Area structure(s) shall have a minimum setback of 20-feet from property lines.

2. Environmental Design

a. A Water Well Construction Permit shall be obtained from the Environmental Management Department prior to construction of proposed well(s).

b. Any unused wells found during construction shall be abandoned in accordance with SWFWMD Rule 40D-3.531.

c. Tree barricades for trees to be preserved shall be located at the drip line, unless otherwise approved by the Planning Department. 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: machinery and vehicle travel or parking; underground utilities; filling or excavation; storage of construction materials. The tree protection barricades shall consist of chain link fence (new or used) with a minimum 5' height, unless otherwise approved by the Planning Department.

d. 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. All other applicable state or federal permits shall be obtained prior to commencement of development.

3. Archaeological Resource Protection

a. Any significant historical or archaeological resources discovered during development activities shall be immediately reported to the Florida Division of Historical Resources and treatment of such resources shall be determined in cooperation with the Division of Historical Resources and Manatee County. Treatment of the resources must be completed before resource-disturbing activities are allowed to continue. If human remains are encountered, the provisions contained in Chapter 872, Florida Statutes shall be followed.

4. Utilities

a. In ground irrigation using Manatee County public potable water supply shall be prohibited, including on individual lots. This project shall utilize the lowest water quality source available for irrigation.

- b. Fire hydrants shall be located within 400' of the entrance to any building and spaced no more than 800' apart.
- c. District Fire Marshal written approval is required to be submitted to the Planning Department prior to Final Site Plan approval.

5. Stormwater

- a. All proposed roads, El Conquistador Parkway, and driveways shall be constructed to be above the 100-year design storm elevation. The design elevation must be approved by and coordinated with the Project Management and Transportation Departments.
- b. The project shall be designed to provide 150% water quality treatment for Sarasota Bay.
- c. The Drainage Model and Construction Plan shall demonstrate that no adverse impacts will be created to neighboring residents surrounding the site in respect to drainage routing, grading, and run-off.
- d. The Final Site Plan and Construction Plans shall show all perimeter swales and/or yard drains required to be installed along the property lines to convey incoming offsite runoff.

6. Floodplain Management

- a. No stem wall construction or fill shall be used for structural support for structures on Lots 1-10, 107, 108, and 189.

7. Transportation

- a. The development is proposed to be a gated community, and if gated, the internal streets within this subdivision will be privately owned and maintained either a Homeowner's Association or other appropriate legal entity. Any gates shall be accessible to emergency providers in accordance with the requirements of applicable county ordinances and regulations.
- b. Internal roadways for the project shall provide 5 feet wide sidewalks on both sides of the street for Phase 1.

Section 3. SPECIFIC APPROVAL. Specific Approval is hereby granted for alternatives to Land Development Code Section 401.3.E.9 to reduce the required waterfront yard setback from 30 feet to 15 feet for Buildings 10-15 located on the Northern Portion of the site (Phase II). Specific Approval shall continue in effect and shall expire concurrent with the Preliminary Site Plan for the project approved pursuant to Section 2 hereof.

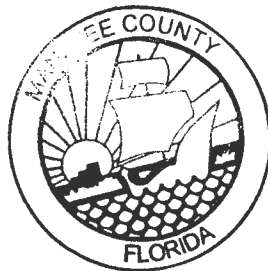
Section 4. SEVERABILITY. If any section, sentence, clause, or other provision of this Ordinance shall be held to be invalid or unconstitutional by a court of competent jurisdiction, such section, sentence, clause, or provision shall be deemed severable, and such invalidity or unconstitutionality shall 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 16th day of February 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

COMMENCE AT THE NORTHEAST CORNER OF SECTION 20, TOWNSHIP 35 SOUTH, RANGE 17 EAST, MANATEE COUNTY, FLORIDA; THENCE N 89°23'40" W, ALONG THE NORTH LINE OF SAID SECTION 20, A DISTANCE OF 929.23 FEET TO THE POINT OF BEGINNING; THENCE S 00°20'30" W, A DISTANCE OF 705.52 FEET TO AN INTERSECTION WITH THE NORTHERLY RIGHT OF WAY LINE OF EL CONQUISTADOR PARKWAY; THENCE NORTHWESTERLY ALONG SAID NORTHERLY RIGHT OF LINE THE FOLLOWING FIVE COURSES: (1) N 66°53'37" W, A DISTANCE OF 524.04 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE RIGHT HAVING A RADIUS OF 45.00 FEET; (2) NORTHWESTERLY, AND NORTHEASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 93°47'23", A DISTANCE OF 73.66 FEET; (3) N 66°53'37" W, A DISTANCE OF 100.20 FEET TO A POINT ON THE ARC OF A CURVE TO THE RIGHT WHOSE RADIUS POINT BEARS N 70°41'01" W, AT A DISTANCE OF 45.00 FEET; (4) SOUTHWESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 93°47'23", A DISTANCE OF 73.66 FEET; (5) N 66°53'37" W, A DISTANCE OF 422.02 FEET; THENCE N 00°22'45" E, A DISTANCE OF 270.75 FEET TO AN INTERSECTION WITH THE NORTH LINE OF SAID SECTION 20; THENCE S 89°23'40" E, ALONG SAID NORTH LINE, A DISTANCE OF 1047.39 FEET TO THE POINT OF BEGINNING. LYING AND BEING IN SECTION 20, TOWNSHIP 35 SOUTH, RANGE 17 EAST, MANATEE COUNTY, FLORIDA.

CONTAINING 11.61 ACRES, MORE OR LESS.



FLORIDA DEPARTMENT *of* STATE

RON DESANTIS
Governor

CORD BYRD
Secretary of State

February 17, 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-PDR-23-01(P), which was filed in this office on February 17, 2023.

Sincerely,

Anya Owens
Program Administrator

ACO/rra