

PRELIMINARY SITE PLAN  
PDR-03-42(P) – GULF VIEW PARK, LLC

WHEREAS, the property owner challenged the 1982 moratorium ordinance adopted to stay development to allow for the implementation of the Cortez Small Area Plan; and

WHEREAS, this action styled *Reardon v. Manatee County*, Case No. CA-83-1505, resulted in a Joint Stipulation and Order of Dismissal with Prejudice entered April 13, 1988; and

WHEREAS, the current property owner submitted a Land Development Application dated January 14, 2003 in reliance on the Joint Stipulation, which staff rejected as being inconsistent with the current Manatee County Comprehensive Plan; and

WHEREAS, the current property owner filed a Motion for Contempt to Enforce the Joint Stipulation and Order of Dismissal with Prejudice; and

WHEREAS, the Circuit Court granted the Motion for Contempt and found that the parties were bound by the judgment; and

WHEREAS, the County appealed the circuit court determination to the Second District Court of Appeal; and

WHEREAS, the Second District Court of Appeal in a decision styled *Manatee County v. Reardon*, DCA No. 2D09-4032, dated April 28, 2004 found that the density of the property was controlled by the Joint Stipulation and Order of Dismissal with Prejudice; notwithstanding any contrary provision contained in the Manatee County Comprehensive Plan; and

WHEREAS, the 2<sup>nd</sup> DCA's opinion is final and binding on Manatee County.

THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, having specifically considered the recommendation of the Planning Commission, the criteria set forth in Manatee County Ordinance No. 90-01 (the Manatee County Land Development Code); and finding PDR-03-42(P) consistent with Manatee County Ordinance No. 89-01 (the Manatee County Comprehensive Plan), PRELIMINARY SITE PLAN PDR-03-42(P) – GULF VIEW PARK, LLC is hereby approved to allow 44 multi-family units at a gross density of 9.21 dwelling units per acre in accordance with the Joint Stipulation and Order of Dismissal dated April 13, 1988; and Granting Special Approval for a project located: 1) in the Coastal High Hazard Area (CH); 2) within the Coastal Storm Vulnerability Area (CSVA); 3) within the Coastal Evacuation Area; and 4) for a density exceeding 6 dwelling units per acre subject to the following stipulations:

STIPULATIONS:

1. Prior to approval of this project by the Board of County Commissioners, the applicant shall gain approval of a Hurricane Evacuation Plan and Disaster Plan from the Director of Public Safety. The plan shall ensure delivery of the Manatee County "All-Hazard Guide" and Red Cross brochure "Your Family Disaster Plan" to each homeowner, and assure of receipt or posting of an evacuation zone map. The Property Owners' Association or Homeowners' Association shall ensure that all subsequent purchasers and existing residents receive copies of these documents.
2. The Notice-To-Buyer and Final Site Plan shall include a notice to inform homeowners:
  - (a) The area below the Flood Protection Elevation for each home shall be designed to preclude finished living space and designed to allow for the entry and exit of floodwaters to automatically equalized hydrostatic flood force on the exterior walls. The enclosed area shall be used for parking, limited storage and building access. The interior portion

of such enclosed area shall not be partitioned or finished into separate rooms. Materials and finishing which are normally associated with living area shall not be installed in such areas.

- (b) that they are purchasing a home in a flood prone area for all lots within the Coastal High Hazard Area, Coastal Evacuation Area, and Coastal Storm Vulnerability Area.
- (c) that specific standards and additional costs may be associated with the development of this project. This notification shall be recorded to run with the land.
- (d) that the property may be subject to the imposition of special assessments because of its location within the CH District to recoup expenditures for repair of storm related damage to public and private infrastructure.
- (e) that the project is subject to a Hurricane Evacuation Plan approved by the Public Safety Department.

3. The applicant and their heirs, assigns, or transferees, are hereby notified that a payment of an impact fee for emergency shelter facilities shall be required if such impact fee is adopted by the Board of County Commissioners.

4. The landscaped roadway buffer along Cortez Road shall be a minimum of 25' wide and shall be planted with two rows of canopy trees of 3" caliper, at least 12 feet in height, and spaced 25' on center with the required hedge.

5. Required setbacks:

Front:	40 (from Cortez Road)
Side:	23 ( from E & W property lines)
Rear:	30 (from N property line)

\*10' between buildings.

6. All development shall maintain a 30' waterfront setback.

7. Land clearing shall not commence until both a Final Site Plan and Construction Plans have been approved for the project. If burning of trees or branches is required for land clearing, a permit for open burning will not be issued until Final Site Plans and Construction Plans have been approved.

8. 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. Reclaimed water shall be extended and connected to this project for hook up. Reclaimed water lines shall be provided for common area and individual lot irrigation.

9. Unless otherwise approved by Environmental Management Department, native xeriscape landscape or drought tolerant materials shall be utilized in all common areas

10. Wastewater lift station (applicable only if gravity sewer is not used), service cleanouts, and manhole rims shall be set at or above the 6' contour elevation. Review and approval by the Project Management Department for this lower elevation will be based on a rigorous review of fully detailed design drawings demonstrating that lift stations hatches shall be watertight or designed to reduce infiltration of flood waters, watertight manholes, and cleanouts.

11. The proposed internal roadway or drive aisle shall be constructed so as to be above the 6' contour elevation or at the same elevation as Cortez Road, whichever is greater. The design elevation must be coordinated with the Project Management, Public Safety, and Transportation Departments.

12. Prior to commencement of construction or land clearing, an Erosion and Sediment Control Plan (ESCP) shall be submitted to the Environmental Management Department for review and approval pursuant to Section 508.3.4.7.j. of the LDC. Final Site Plans, Construction Plans, ERP, and NPDES permit approvals must be obtained prior to submittal of the ESCP.
13. Removal of all exotic nuisance plant species from upland portions of the site shall be completed prior to issuance of the first Certificate of Occupancy or Final Subdivision Plat approval, in accordance with Section 715.4 of the LDC.
14. A Water Well Construction Permit must be obtained from the EMD prior to construction of any proposed well. All existing wells shall be delineated on the Final Site Plan, with the well size indicated, or a note should be added to the plan indicating that there are no wells on-site.
15. Minimization/avoidance of wetland impacts shall be demonstrated during Final Site Plan review. Wetland mitigation shall be provided in accordance with Section 719 of the Land Development Code or Chapter 62.345 FAC, if adopted prior to Final Site Plan approval.
16. The developer shall provide signs adjacent to wetland buffers/conservation easements indicating that the area is a "Conservation Area", as required pursuant to Section 719.11.1.3.3 of the LDC. The type and location of such signs shall be shown and approved by the EMD with the Final Site Plan.
17. Prior to the first Certificate of Occupancy or Final Subdivision Plat approval, a Conservation Easement for the areas defined as post-development jurisdictional wetlands/wetland buffers shall be dedicated to the County in accordance with Section 719.11.1.3 of the LDC.
18. Prior to Final Site Plan approval, the applicant shall demonstrate ownership of the area to be used for off-site wetland mitigation area. The necessary easements required by Sections 719.8.3 and 719.11.1.3 shall be provided for the off-site mitigation area in the same manner as if it were on-site together with a permanent easement for ingress-egress for monitoring and inspection purposes prior to Final Plat approval.
19. A Wetland Buffer Restoration Plan for should be submitted to the EMD for review with the Final Site Plan in accordance with Section 719.11.2.1. of the LDC. The plan shall include both supplemental plantings and ongoing removal of exotic, nuisance vegetation.
20. Documentation demonstrating additional treatment of stormwater or compliance with OFW criteria should be submitted to the EMD for review, prior to Final Site Plan approval, and a note should be added to the plan indicating that the 150% treatment is being provided.
21. 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 provision contained in Chapter 872, Florida Statutes (Offenses Concerning Dead Bodies and Graves) shall be followed.
22. The design and shielding of any on-site lighting shall comply with Section 709.2.2. In addition, pole and building mounted lights shall be limited to 20' in height and directed to the interior of the development using horizontal cut-off fixtures, unless street lamp posts or carriage style lights are used. All pole lights shall maintain a consistent style. The pole light style shall be determined prior to the Final Site Plan. The use of decorative house lights is permitted.

23. The design of the structures shall be consistent with those architectural drawings submitted for review and entered into the record at the public hearings on this project.
24. The Final Site Plan shall also show complete details of the pool area, including required parking for this area, fencing, emergency phones, etc.
25. The Final Site Plan shall indicate that all water and sewer service on the site shall be constructed in accordance with County standards and will be privately maintained.
26. Prior to final site plan approval, the Engineer of Record/Architect must provide documentation to prove that concurrency has been met relative to fire flow per Section 9.6.1.4 of the Comprehensive Plan.
27. Prior to Final Site Plan approval, the interneighborhood tie on the west side of the property shall be a minimum of 24' wide and be located in the area of Lots 33-35 so as to line up with the cross access provided for by Cortez Subdivision (PDR-02-38).
28. Prior to any on-site burning during development, property owners within 500 feet of the project boundary shall be notified by mail 7 days prior to the commencement of burning. This notice may contain multiple burn dates.

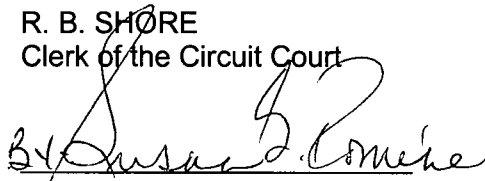
**APPROVED AND HEREBY GRANTED**, by the Board of County Commissioners of Manatee County, Florida this 18th day of May, 2004.

BOARD OF COUNTY COMMISSIONERS OF  
MANATEE COUNTY, FLORIDA

BY:

  
Chairman

ATTEST: R. B. SHORE  
Clerk of the Circuit Court

  
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