Manatee County Ordinance

PDR-04-39(G)(R4) – CONCESSION PHASE VI – PLN2603-0145

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, REGARDING LAND DEVELOPMENT, AMENDING ZONING ORDINANCE NO. PDR-04-39(G)(R3), AND APPROVING AN AMENDED GENERAL DEVELOPMENT PLAN TO: A) REALLOCATE TWO (2) PREVIOUSLY APPROVED RESIDENTIAL DWELLING UNITS TO 2.41±ACRES OF AN APPROXIMATE 2.49±ACRE PARCEL IN THE PDR (PLANNED DEVELOPMENT RESIDENTIAL) ZONING DISTRICT AND, B) REMOVE ALTERNATE SECOND MEANS OF ACCESS WEST OF TRACT 801; THE TOTAL NUMBER OF APPROVED RESIDENTIAL UNITS REMAINS UNCHANGED AT 255 WITH THE APPROVAL OF THE AMENDED GENERAL DEVELOPMENT PLAN; LOCATED IN THE PLANNED DEVELOPMENT RESIDENTIAL/EVERS RESERVOIR WATERSHED PROTECTION/SPECIAL TREATMENT OVERLAY ZONING DISTRICT (PDR/WP-E/ST); THE SUBJECT PARCEL IS ON THE SOUTH SIDE OF STATE ROAD 70 EAST, AND EAST OF LINDRICK LANE, BRADENTON (UNINCORPORATED MANATEE COUNTY) ALL WITHIN A PROJECT KNOWN AS "THE CONCESSION"; SUBJECT TO AMENDED VOLUNTARILY PROFFERED CONDITIONS OF APPROVAL (FKA STIPULATIONS); SETTING FORTH FINDINGS; PROVIDING FOR SEVERABILITY; PROVIDING A LEGAL DESCRIPTION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, The Concession Golf Club, LLC (the "Applicant") filed an application for an amended General Development Plan to: a) reallocate two (2) previously approved residential dwelling units to 2.41±acres of an approximate 2.49±acre parcel in the PDR (Planned Development Residential) Zoning District and, b) remove alternate second means of access west of Tract 801; the total number of approved residential units remains unchanged at 255 with the approval of the amended General Development Plan; located in the Planned Development Residential/Evers Reservoir Watershed Protection/Special Treatment Overlay Zoning District (PDR/WP-E/ST) as described in Exhibit "A", attached hereto, (the "Property"); and

WHEREAS, the Manatee County Planning Commission, after due public notice, held a public hearing on September 17, 2026, to consider the revised General Development Plan application 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 revised General Development Plan application 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 conditions 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 revised General Development Plan 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 October 8, 2026, 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.

Section 2. AMENDED GENERAL DEVELOPMENT PLAN. The amended General Development Plan is hereby approved to: a) reallocate two (2) previously approved residential dwelling units to 2.41±acres of an approximate 2.49±acre parcel in the PDR (Planned Development Residential) Zoning District and, b) remove alternate second means of access west of Tract 801; the total number of approved residential units remains unchanged at 255 with the approval of the amended General Development Plan; located in the Planned Development Residential/Evers Reservoir Watershed Protection/Special Treatment Overlay Zoning District (PDR/WP-E/ST) upon the property subject to the following Conditions:

1. Wetland buffers shall be provided from all post-development jurisdictional wetlands in accordance with Section 706 of the Land Development Code (LDC), and shall be delineated on the Preliminary and Final Site Plans. The wetland buffer on both sides of Cow Pen slough, between University Parkway and the proposed boulevard roadway crossing, shall be a minimum width of 75 feet. **Completed.**

2. All proposed structures and improvements within the wetland buffers shall be designed to meet the requirements of Sections 706.7 of the LDC. Additional details demonstrating compliance with this requirement shall be submitted to the Planning Department for review concurrently with the Preliminary and Final Site Plan. **Completed.**

3. Prior to Preliminary Site Plan approval, the developer shall contact the U.S. Fish and Wildlife Service regarding scrub habitat, and shall conduct additional Scrub Jay Studies if warranted. Additional Upland Preservation may be required as a result of the study. **Completed.**

4. An integrated Pest Management Plan (IPE) for the application of fertilizers, pesticides, and herbicides for the golf course and landscape common areas shall be submitted to the EMD for review and approval prior to Final Site Plan approval. Native xeriscape landscape materials shall be utilized in common areas except as approved by the EMD. **Completed.**

5. Prior to the Preliminary Site Plan approval, the entire site shall be evaluated for potential hazardous material locations (i.e. historical cattle dipping vats, underground/above-ground storage tanks, or buried drums), by a qualified environmental consultant. Should evidence of contamination be discovered, further investigation will be required to

determine the level of contamination and appropriate remediation/mitigative measures. **Completed.**

6. If determined necessary by the Environmental Management Department, prior to Final Site Plan approval, a Wildlife Management Plan for gopher tortoises shall be approved by the U.S. Fish and Wildlife Service or the Florida Fish and Wildlife Conservation Commission and be submitted to the EMD for review. **Completed.**

7. All lot owners shall be encouraged to participate in the Florida Yards and Neighborhoods Program. Information shall be provided in the sales office and provided to all lot purchasers.

8. The Homeowner's Documents shall include a notice to inform homeowners of the presence of neighboring agricultural uses, which may possibly include pesticides and herbicides and may have odors and noises associated with such uses.

9. The Notice to Buyers shall be included in the Declaration of Covenants and Restrictions, and in the sales contract or a separate addendum to the sales contract, and in the Final Site Plan and shall include language informing prospective homeowners that an inter-neighborhood tie for this project shall connect to University Parkway, a future arterial to the south and Dam Road, a future collector to the west.

   Prior to Final Plat approval for Phase 3, at least two signs shall be posted in the right-of-way south of this phase informing lot owners that this area will be the future extension of University Parkway, a proposed arterial. These signs may be removed when all lots in Phase III are sold. **Completed.**

10. For dead end streets and cul-de-sacs that exceed 800 feet, additional hammerheads and eyebrows shall be provided as approved by the Fire District. The location and design shall be approved at time of Final Site Plan submittal. **Completed.**

11. A 50 foot wide upland landscape buffer shall be provided:

    A. Along the western project boundary, northward 1,600 feet from University Parkway. The buffer may be provided on the project side of the existing wetland if necessary. **Completed.**

    B. Along the southern project boundary of the site between Dam Road and Cow Pen Slough. **Completed.**

    Prior to Final Plat approval for the lots adjacent to this buffer, trees shall be planted in the areas within the buffer void of existing trees. Tree coverage shall be at a rate of at least 40 trees (slash pines, oaks, or wax myrtles) per acre of buffer and shall be evenly spaced and randomly distributed throughout the buffer to achieve the look of a natural forest. Existing trees meeting the minimum size requirements may be applied to the tree count. If trees smaller than the minimum requirements listed in Section 701.4 of the Land Development Code are planted, then the smaller trees shall be planted at least two years prior to the platting of the adjacent phase and shall be certified by a Florida Registered Landscape Architect for survivability prior to plat approval. The trees required pursuant to Section 603.7.4.5 shall comply with the standards of Section 701.4. **Completed.**

12. Prior to the first residential Final Plat approval, 17 feet of right-of-way adjacent to the existing Dam Road, to achieve a 42 foot half right-of-way with the existing 25 feet of right-of-way shown on this site, shall be dedicated to the County. **Completed.**

13. The temporary sales office shall only be used to market lots and new construction in this development and comply with Section 521.4 of the Land Development Code. Within 60 days of the sale of the final lot in the project, or if more than 6 months passes without any sales transactions, the temporary sales office shall be removed from the property.

14. Sidewalks shall be provided pursuant to Section 1001.6.A of the LDC.

15. A 75-foot wide tree conservation easement, inclusive of the wetland buffer, shall be designated along the northern property boundary adjacent to the Cow Pen slough from Lots 1 to 41, inclusive, prior to Final Plat approval for these lots. The easement shall be acceptable to the county attorney's office**. Completed.**

16. Access to the commercial parcel shall be as approved by Manatee County and the Florida Department of Transportation. If access to the commercial parcel is on Dam Road, then Dam Road shall be constructed to county standards from State Road 70 to the driveway access of the commercial parcel prior to the first C.O. for the commercial parcel.

17. The boundaries of the wetland buffers shall be marked with signs (up to 2 per lot) indicating that this is a wetland protection area. Such signage shall be approved by the Building and Development Services Department with Final Site Plan approval. There shall also be a Notice to Buyers indicating that these lots have a wetland and buffer area on them, with a reference to the recorded conservation easement. **Completed.**

18. 233 lots have been developed in Phases I-III; 112 lots between one-half and one acre, and 121 lots one acre or greater in area. 15 one-half acre lots in Phase IV and 3 one-half acre lots in Phase V were approved, but have yet to be constructed.

19. Prior to Final Subdivision Plat approval, the Developer shall delineate the open space areas which are to be conveyed to the Homeowner's Association after project build- out. Prior to Final Subdivision Plat approval, the Developer shall record a deed restriction, stating "The Developer and its successors in interest are prohibited from seeking approvals for more than 22 single family dwelling units in the watershed district in the future to change the use of the post development watershed area, provided however, the post development watershed area may be utilized for open space, stormwater management, golf course, or other recreational or conservation purposes".

20. Lots adjacent to Cow Pen Slough shall not be platted beyond the top of the bank. These lots shall also not be platted into wetlands or wetland buffers when adjacent to Cow Pen Slough. **Completed.**

21. The boulevard roadway from 207th Street East to the first cul-de-sac east of the Cow Pen Slough shall be designed as two roadway sections with a 22-foot wide median. **Completed.**

22. The minimum right-of-way width for all streets within the project shall be 84 feet, except for right-of-way within Phase IV, which shall be a minimum of 40 feet in width.

23. The phasing boundaries shall be as shown on the General Development Plan.

24. The developer shall cooperate with Manatee County to accommodate any required SWFWMD wetland mitigation for wetland impacts within the University Parkway alignment in the southeast quadrant of the project adjacent to Phase III. **Completed.**

25. Removal of all exotic nuisance plant species from the golf course site shall be completed prior to the issuance of the first Certificate of Occupancy or Final Subdivision Plat approval for the golf course and related facilities. In accordance with Section 701.4 of the LDC, existing plant communities designated to remain must be intact and undisturbed; noxious and exotic plants must be removed. **Completed.**

26. This golf course site shall be evaluated for the presence of listed species prior to Final Site Plan approval for the entire site. **Completed.**

27. No ground disturbing activities or vehicle travel shall occur within the drip line of the existing trees that will be preserved. Tree protection barriers shall consist of chain link fence or other material as approved by the Planning Department (minimum 5' height) and will be located at the tree drip line.

28. The developer shall require retention of all trees 4-inch d.b.h or greater as defined by the Land Development Code located within twenty-five (25) feet of the rear lot lines of platted lots; provided, however, that trees from such area may be relocated to another location on the lot or may be removed if replacement trees are planted in another location on the lot or equal total caliper to the total caliper of the trees removed. If trees are to be relocated on-site, the County shall be notified. Completed in Phase I, II, and III. Tree replacement for Phase IV and Phase V and Phase VI shall be in accordance with Land Development Code regulations.

29. All applicable state or federal permits shall be obtained before commencement of the development of the private helistop.

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

31. Tract 308, Concession, Phase II, Block A, as dedicated and shown on the plat thereof, is reserved by the applicant as open space at the time of approval of Phase VI. As proffered by the applicant, this open space shall not be used as vehicular or pedestrian access to lands external to the project. Any additional external pedestrian or vehicular accesses to the Project area shall require an application for an amendment to the GDP be submitted to the County to be processed under the applicable public hearing procedures in the LDC.

DESIGN AND LAND USE- the following stipulations apply only to Phase IV and Phase V of the Concession:

32. 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.

33. 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.

34. 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.

ENVIRONMENTAL

35. There are no impacts to jurisdictional wetlands or wetland buffers being approved by the adoption of this Ordinance.

36. No lots shall be platted through post-development wetlands, wetland buffers or upland preservation areas. Before Final Site Plan approval, lots will need to be drawn so they do not encroach into the wetlands, wetland buffers, or upland preservation areas including tree preservation areas.

37. 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. Pursuant to the March 2026 Environmental Narrative prepared by Kimley Horn, ninety (90) days prior to construction and land clearing, a 100% survey of suitable habitat for gopher tortoises shall be conducted as recommended. If evidence of gopher tortoises is found, a permit from the Florida Wildlife Commission (FWC) shall be obtained for relocation and/or management of tortoises prior to commencement of development.

38. 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.

39. 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. Comprehensive Plan Policy 3.2.1.8 prohibits the use of treated effluent within the WO Overlay District.

STORMWATER

40. Pursuant to Section 801 and 802 of the Land Development Code and Code of Federal Regulations (CFR), Title 44, Section 60.3, the Construction 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 100-

year floodplain delineation and post-development discharge of runoff. Drainage Modeling incorporating data from the Braden River Watershed Management Plan (WMP) shall be submitted to demonstrate compliance prior to commencement of construction.

41. The Engineer of Record (EOR) shall submit drainage modeling to demonstrate the allowable pre-development rate of discharge has been reduced by twenty-five (25) percent for Braden River Watershed.

42. Any fill within the 100-year floodplain associated with Braden River Watershed shall be compensated by the creation of an equal or greater storage volume above seasonal high-water table. 100-year floodplain compensation shall be compensated in sole use compensation areas, not dual use facilities (i.e., stormwater attenuation and floodplain compensation). Alternatively, the applicant can utilize drainage modeling (submitted for review to the Public Works Department with the Construction Plan submittal) to demonstrate no adverse drainage impacts for the mean annual, 10-year, 25-year, and 100-year design storm events to a no-rise condition using the Braden River Watershed Management Plan.

43. 150% water quality treatment is required for Evers Watershed Protection Overlay (WP-E).

INFRASTRUCTURE

44. 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 applicable 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.

45. This development is proposing to tie into a privately owned and maintained potable water distribution system and sanitary sewer collection system. Permission to tie into this main must be granted by the owner of this main, not Manatee County.

Section 3. SEVERABILITY. If any section, sentence, clause, or other provision of this Ordinance shall be held to be invalid or unconstitutional by a court of competent jurisdiction, such section, 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 4. 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 5. STATE AND FEDERAL PERMITTING. The issuance of the local development permit by the County shall not create any liability on the part of the County in the event the applicant fails to obtain the required state or federal agency approvals or permits or fails to fulfill the obligations imposed by any state or federal agency or undertakes actions that result in a violation of state or federal law.

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

PASSED AND DULY ADOPTED, by the Board of County Commissioners of Manatee County, Florida on the 8th day of October 2026.

BOARD OF COUNTY COMMISISONERS OF MANATEE COUNTY, FLORIDA.

BY: _____
Chairperson

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

BY: _____
Deputy Clerk

Exhibit "A"

Legal Description

TRACT 801 OF CONCESSION, PHASE II, BLOCK B & PHASE III, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 48, PAGE 56, OF THE PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA.

FLORIDA DEPARTMENT of STATE

RON DESANTIS
Governor

CORD BYRD
Secretary of State

October 9, 2026

Angelina Colonneso
Clerk of the Circuit Court
Manatee County
1115 Manatee Ave W
Bradenton, FL 34205

Dear Angelina Colonneso:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of Manatee County Ordinance No. PDR-04-39(G)(R4), which was filed in this office on October 9, 2026.

Sincerely,

Alexandra Leijon
Administrative Code and Register Director

AL/dp