

Manatee County Ordinance

PDR-18-27(P)(R) – WHITFIELD PRESERVE II - PLN2211-0082

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, REGARDING LAND DEVELOPMENT; AMENDING ZONING ORDINANCE PDR-18-27(P) THAT WAS PREVIOUSLY APPROVED FOR 64 MULTIFAMILY DWELLING UNITS ON APPROXIMATELY 8.95 ACRE SITE ZONED PDR; TO REVISE THE PRELIMINARY SITE PLAN TO 192 HALF DWELLING MULTIFAMILY RESIDENTIAL UNITS (EQUIVALENT TO 96 DWELLING UNITS) ON APPROXIMATELY 10.05 ACRES OF PROPERTY LOCATED SOUTH OF WHITFIELD AVENUE AND WEST OF 301 BOULEVARD EAST, BRADENTON (MANATEE COUNTY) WITHIN THE PDR (PLANNED DEVELOPMENT RESIDENTIAL) ZONING DISTRICT; SUBJECT TO STIPULATIONS AS CONDITIONS OF APPROVAL; SETTING FORTH FINDINGS; PROVIDING A LEGAL DESCRIPTION; PROVIDING FOR SEVERABILITY, REPEALING ORDINANCES IN CONFLICT; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Whitfield Estates, LLC (the “Applicant”) filed an amended Zoning Ordinance PDR-18-27(P) that was previously approved for 64 multifamily dwelling units on approximately 8.95 acre site zoned PDR; to revise the Preliminary Site plan to 192 half dwelling multifamily residential units (equivalent to 96 dwelling units) on approximately 10.05 acres for a revised Preliminary Site Plan as described in Exhibit “A”, attached hereto, (the “Property”); and

WHEREAS, the applicant also filed a request for Specific Approval for alternatives to Land Development Code Sections: 701.4.B.3.b.ii regarding landscaping in screening buffers, and 1001.1.C regarding an alternative design for the second means of access to be an emergency access only; and

WHEREAS, the Manatee County Planning Commission, after due public notice, held a public hearing on February 9, 2023, to consider the amended 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 revised 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 revised 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. Notwithstanding the failure of this plan to comply with the requirements of Land Development Code Section 701.4.B.3.b.ii, the Board finds that the purpose of the Land Development Code regulation is satisfied to an equivalent degree by allowing the reduction of the 20-foot landscape screening buffer for the lift station which will have its own fencing and screening. This reduction allows Manatee County to have access to the drainage easement.

E. Notwithstanding the failure of this plan to comply with the requirements of Land Development Code Section 1001.1.C., the Board finds that the purpose of the Land Development Code regulations is satisfied to an equivalent degree by mitigating for this requirement, an emergency ingress/egress gate has been provided by the applicant on the North end of the property that connects to Persimmons Place.

Section 2. REVISED PRELIMINARY SITE PLAN. The revised General Development Plan is hereby approved for 192 half dwelling multifamily residential units (equivalent to 96 dwelling units) upon the property subject to the following Stipulations:

A. DEVELOPMENT REVIEW STIPULATIONS

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 the County Engineer through the construction plans review process for the project.

B. STORMWATER STIPULATIONS

1. Pursuant to Section 801 and 802 of the Land Development Code and Code of Federal Regulations (CFR), Title 44, Section 60.3, the subsequent Final Site Plan and Construction Plan submittal(s) 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 County 25-year floodplain, 100- year floodplain delineation pursuant to the Bowlees Creek Watershed Management Plan, and post-development discharge of runoff.
2. The Engineer of Record (EOR) shall submit drainage modeling to demonstrate the allowable pre-development rate of discharge has been reduced by fifty (50) percent for Nicholson Drain/Bowlees Creek Watershed.

3. Any fill within the 25-year floodplain and 100-year floodplain delineation (pursuant to the Bowlees Creek Watershed Management Plan) of the Nicholson Drain/Bowlees Creek shall be compensated by the creation of an equal or greater storage volume above seasonal high-water table. 25-year and 100-year floodplain compensation shall be compensated in sole use compensation areas, not dual- use facilities (e.g., stormwater attenuation and floodplain compensation). Alternatively, drainage modeling shall utilize the Bowlees Creek Watershed Management Plan to demonstrate, in post-development condition, that no adverse impacts are created to adjacent property based upon a “no-rise” flood stage condition.
4. 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 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 as derived from the Nicholson Drain/Bowlees Creek Watershed Management Plan, the FEMA 2014 FIRM, and post-development discharge of runoff. The following storm frequency events, corresponding cumulative rainfall, and rainfall distribution shall be provided as a comparison of the existing pre-development condition versus the proposed post-development development condition:

Storm Frequency:	Cumulative Rainfall:	Rainfall Distribution:
10-year/24-hour	7 inches	FLMOD
25-year/24-hour	8 inches	FLMOD
50-year/24-hour	9 inches	FLMOD
100-year/24-hour	10 inches	FLMOD
100-year/72-hour	18 inches	FDOT-72

50-year storm event modeling applies to thoroughfare drainage systems only.

The comparison of existing pre-development condition versus the proposed post-development development condition shall include results in terms of runoff and staging. Drainage Modeling (utilizing best available information from Nicholson Drain/Bowlees Creek Watershed Management Plan and associated master drainage modeling) shall be submitted to demonstrate compliance prior to commencement of construction.

C. ENVIRONMENTAL STIPULATIONS

1. All other applicable state or federal permits shall be obtained prior to commencement of development.
2. There are no impacts to jurisdictional wetlands or wetland buffers being approved by the adoption of this Ordinance.
3. The Final Site Plan shall demonstrate a six (6) foot solid, decorative wall and one (1) canopy tree per thirty (30) feet on center within the northern Greenbelt Buffer. The wall shall be on the interior edge of the Greenbelt Buffer, a minimum of fifteen (15) feet from the property boundary, with the required landscaping on the exterior of the wall facing the adjacent single-family sites.

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.

D. LAND USE AND DESIGN

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. 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.
5. The final site plan shall be in substantial conformance with the building elevations conformance with the building elevations entered into the public hearing record at the February 16, 2023, public hearing held by the Board of County Commissioners.

E. FIRE DEPARTMENT

1. Fire department access roads shall be a minimum of 15 feet in width. The gates shall be a minimum of 15 feet in width for emergency vehicle access. The access road shall be designed and maintained to support the imposed loads of fire apparatus and shall be provided with an all-weather driving surface.

F. AFFORDABLE HOUSING

1. The Applicants have entered into a Land Use Restriction Agreement (LURA) dated May 24, 2022, pursuant to the Livable Manatee Incentive Program and Chapter 5, Land Development Code. The Applicants shall enter into an amendment to this LURA to reflect

the increased number of units based on revised density bonus calculation from 64 standard units to 192 half-dwelling units to be all 750 sq. ft. and below prior to or at the time of final site plan approval.

Section 3. SPECIFIC APPROVAL. Specific Approval is hereby granted for alternatives to Land Development Code Sections: 701.4.B.3.b.ii regarding landscaping in screening buffers, and 1001.1.C regarding an alternative design for the second means of access to be an emergency access only. The Specific Approval shall continue in effect and shall expire concurrent with the Revised 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. REPEALING ORDINANCES IN CONFLICT. All ordinances in conflict with this Ordinance are hereby repealed to the extent of such conflict.

Section 6. 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 7. 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 8. 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
COMMISSISONERS OF MANATEE
COUNTY, FLORIDA.**

BY: 
Kevin Van Ostenbridge, Chairman

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

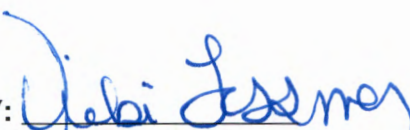
BY: 
Deputy Clerk

Exhibit "A"

Legal Description

Parcel 1: The North 330.0 feet of the West 330.0 feet of the S 1/2 of the SE 1/4 of the NE 1/4 of Section 25, Township 35 South, Range 17 East, Manatee County, Florida, more fully described as follows: Commence at a concrete monument, marking the NW corner of the S 1/2 of the SE 1/4 of the NE 1/4 of Section 25, Township 35 South, Range 17 East, thence S00°24'10.61"E, along the West line of said S 1/2, 330.00 feet, thence S89°59'25.11"E, parallel to the North line of said S 1/2 and 330.00 feet Southerly therefrom, 330.00 feet, thence N00°24'10.61"W, parallel to the West line of said S 1/2 and 330.00 feet therefrom, 3330.00 feet to the intersection with the North line of said S 1/2 of the SE 1/4 of the NE 1/4, thence N89°59'25.11"W along the North line of said S 1/2 330.00 feet to the P.O.B., being and lying in the S 1/2 of the SE 1/4 of the NE 1/4 of Section 25, Township 35 South, Range 17 East. Together with a 20.00 feet wide easement for ingress and egress, described as follows:

The west 20.00 feet to the South 1/2 of the SE 1/4 of the NE 1/4, less the North 330.00 feet and the West 20.00 feet of the North 1/2 of the NE 1/4 of the SE 1/4 of Section 25, Township 35 South, Range 17 East, Manatee County, Florida.

Together with easements as described in Official Records Book 1423, Page 579 and Official Records Book 1523, Page 1335 of the public Records of Manatee County, Florida.

PROPERTY INFORMATION:

Parcel ID No.: 6631310007

Property Address: 7207 12th Street E., Sarasota, FL 34243

Containing 108,905 sq. ft., more or less, by calculations.

AND:

Parcel 2: A tract of land lying in Section 25, Township 35 South, Range 17 East, Manatee County, Florida and being more particularly described as follows: The West 330 feet of the Southwest 1/4 of The Southeast 1/4 of the Northeast 1/4 of Section 25, Township 35 South, Range 17 East, LESS the North 330 feet thereof. Together with the West 330 feet of the North 1/2 of the Northeast 1/4 of the Southeast 1/4 of Section 25, Township 34 South, Range 17 East, Manatee

County, Florida.

Parcel ID No.: 6651900179

Property Address: 12th Street Court E., Sarasota, FL 34243

Containing 330,896 sq. ft., more or less, by calculations.



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. PDR-18-27(P)(R), which was filed in this office on February 17, 2023.

Sincerely,

Anya Owens
Program Administrator

ACO/rra