

## Manatee County Ordinance

### **PDR-19-13(G)(R) – THE CROSSING AT PALM AIRE (FKA SARASOTA PALM AIRE; FKA WHITFIELD - LOCKWOOD RESIDENTIAL) – CH EASTWIND SARASOTA (OWNER) – PLN2202-0040**

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, REGARDING LAND DEVELOPMENT, AMENDING AND RESTATING ZONING ORDINANCE NUMBER PDR-19-13(Z)(G) TO APPROVE THE FOLLOWING CHANGES TO THE GENERAL DEVELOPMENT PLAN: 1) MODIFYING STIPULATION D.3.II ALLOWING THE SECONDARY ENTRANCE LOCATED ON LOCKWOOD RIDGE ROAD TO BE EMERGENCY ACCESS ONLY; 2) MODIFYING STIPULATION A.12 TO ALLOW THE ROADWAY BUFFER WITH ENHANCED LANDSCAPING TO INCLUDE A COMBINATION BETWEEN A DECORATIVE OPAQUE WALL OR FENCE WITH AREAS HAVING NON-OPAQUE WALLS OR FENCES BE PLACED ALONG THE EXTERIOR OF THE BUFFER TO CREATE INCREASED OPACITY WITHIN TWO (2) YEARS OF LANDSCAPING PLANTING AND LIMITING THE NON-OPAQUE WALL OR FENCE OPTION TO ONLY BE LOCATED ADJACENT TO THE FLOODPLAIN COMPENSATION AREAS OR STORMWATER PONDS; 3) MODIFYING STIPULATION A.12 TO ELIMINATING THE REQUIRED LANDSCAPE BUFFER AT THE NORTHEAST INTERSECTION OF WHITFIELD AVENUE AND LOCKWOOD RIDGE ROAD AROUND THE FLOODPLAIN COMPENSATION AREA AND REQUIRING FENCING ALONG THE SOUTH SIDE OF RATTLE SNAKE SLOUGH TO SCREEN IMPROVEMENTS AND DEVELOPMENT FROM THE PUBLIC RIGHT-OF-WAY. THE SUBJECT PROPERTY IS ZONED PDR (PLANNED DEVELOPMENT RESIDENTIAL), CONSISTING OF TWO PARCELS TOTALING APPROXIMATELY 37.27 ACRES AND GENERALLY LOCATED AT THE NORTHEAST AND NORTHWEST CORNERS OF WHITFIELD AVENUE AND LOCKWOOD RIDGE ROAD, AND COMMONLY KNOWN AS 4831 WHITFIELD AVENUE AND 6824 LOCKWOOD RIDGE ROAD 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**, CH Eastwind Sarasota (the “Applicant”) filed an application for a revised General Development Plan to approve the following changes to the General Development Plan: 1) modifying Stipulation D.3.ii allowing the secondary entrance located on Lockwood Ridge Road to be emergency access only; 2) modifying Stipulation A.12 to allow the roadway buffer with enhanced landscaping to include a combination between a decorative opaque wall or fence with areas having non-opaque walls or fences be placed along the exterior of the buffer to create increased opacity within two (2) years of landscaping planting and limiting the non-opaque wall or fence option to only be located adjacent to the floodplain compensation areas or stormwater ponds; 3) modifying Stipulation A.12 to eliminating the required landscape buffer at the northeast intersection of Whitfield Avenue and Lockwood Ridge Road around the floodplain compensation area and requiring fencing along the south side of Rattle Snake slough to screen improvements and development from the public right-of-way for property zoned PDR (Planned Development Residential), consisting of two parcels totaling approximately 37.27 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 Section: 1) 1001.1.C to allow an emergency access only to serve as the required second means of access; and

**WHEREAS**, the Manatee County Planning Commission, after due public notice, held a public hearing on August 11, 2022, to consider the revised General Development 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 General Development 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 General Development 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 September 1, 2022, 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 1001.1.C, the Board finds that the purpose of the LDC regulation is satisfied to an equivalent degree by the proposed design.

**Section 2. REVISED GENERAL DEVELOPMENT PLAN.** The revised General Development Plan is hereby approved for the following changes to the General Development Plan: 1) modifying Stipulation D.3.ii allowing the secondary entrance located on Lockwood Ridge Road to be emergency access only; 2) modifying Stipulation A.12 to allow the roadway buffer with enhanced landscaping to include a combination between a decorative opaque wall or fence with areas having non-opaque walls or fences be placed along the exterior of the buffer to create increased opacity within two (2) years of landscaping planting and limiting the non-opaque wall or fence option to only be located adjacent to the floodplain compensation areas or stormwater

ponds; 3) modifying Stipulation A.12 to eliminating the required landscape buffer at the northeast intersection of Whitfield Avenue and Lockwood Ridge Road around the floodplain compensation area and requiring fencing along the south side of Rattle Snake slough to screen improvements and development from the public right-of-way for property zoned PDR (Planned Development Residential) upon the property subject to the following Stipulations:

#### **A. DESIGN AND LAND USE**

1. The location and number of buildings shown on the General Development Plan reflects the applicant's conceptual intent. The number and location of structures may change subject to conformance with the LDC and the stipulations listed herein. The total number of residential units is limited to 315.
2. A minimum front setback of 50-feet for multi-family buildings shall be provided adjacent to Lockwood Ridge Road and Whitfield Avenue to provide a transition, both physical and visual, from the streets to the building(s). An amenity building, if greater than one story, shall comply with the fifty-foot setback. The minimum setback for other structures including an amenity center of one story or less, carports, garages and maintenance buildings shall be twenty-five (25) feet.
3. The minimum setback from the east property shall be 370 feet.
4. The easternmost 350' of the site may only be used for: floodplain compensation, stormwater management, wetlands, wetland mitigation and landscaping. Buildings and vehicle use areas are prohibited in this area.
5. There shall be a twenty (20) foot wide berm between the southeastern stormwater pond and the floodplain compensation/wetland mitigation area. In order to provide additional screening, hardwood trees shall be planted on the proposed twenty (20) foot wide berm.
6. Wet tolerant trees such as red maples and bald cypress shall be planted down the western bank of the southeastern floodplain compensation area to provide additional screening.
7. The minimum separation between buildings shall be 20 feet.
8. A maximum of 99 units can be constructed south of the Slough; additional structures such as garages, carports, an amenity center or maintenance buildings may be provided.
9. The maximum height of the multi-family units located on the south side of Rattlesnake Slough is limited to 3 stories (45-feet).
10. The maximum height of the multi-family units located on the north side of Rattlesnake Slough is limited to 4 stories (60-feet).
11. Structures such as carports, garages, and maintenance buildings shall be limited to one (1) story. An amenity center is limited to three (3) stories, if it is part of a multi-family structure. If it is a separate structure the amenity center shall be limited to two (2) stories. The setback for the amenity center shall be as provided for in Stipulation A.2.
12. The roadway buffers shall contain enhanced landscaping and a combination of a six-foot high decorative opaque wall or fence with areas of non-opaque wall or fence placed on the exterior of the buffer to create opacity with two (2) years of being planted and to only all the non-opaque fencing with enhanced landscaping on the outside to create the opaque effect within (2) two years and shall only be used adjacent to floodplain compensation areas or stormwater ponds. Eliminate the required landscape buffer at the northeast intersection of Whitfield Avenue and Lockwood Ridge Road around the

- floodplain compensation area. Landscaping shall be installed on the exterior side of the wall or fence, and shall contain a combination of understory trees, palms, shrubs, and ground cover. This shall be reviewed with the Final Site Plan.
13. Cantilevered balconies, bay windows, and roof overhangs are encouraged as design elements and may encroach into the front setback area.
  14. Porches may be one (1) or two (2) stories. Porches that are open or screened (not air conditioned) may encroach into the front setback area.
  15. Buildings shall have varied setbacks of at least three (3) feet in depth every seventy-five (75) horizontal feet to give the appearance of less bulk to the street frontage and adjacent buildings.
  16. Buildings shall have an articulated roofline.
  17. Mechanical equipment (heating, ventilation, or air conditioning unit placed outside of a building) that is visible from the street or adjacent properties shall be screened by a wall, fence or vegetative matter.
  18. Roof-top mechanical equipment shall be enclosed by parapets or screen walls of the minimum height necessary to conceal it, and a maximum height of five (5) feet. The materials shall be consistent with the construction of the principal building(s). Compliance shall be verified with review of the Final Site Plan.
  19. 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 and/or structures.
  20. 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 Final Site Plan.
  21. Paved pedestrian walks interconnecting principal structures, parking areas, recreational facilities, and adjoining sidewalks shall be provided. The minimum width of these sidewalks shall be five feet.
  22. The southern tract shall have a minimum of two parking spaces per residential unit. The entire project shall have a minimum parking ratio of 1.8 spaces per unit overall.
  23. If the project is gated, stacking lanes shall be provided in accordance with County requirements.
  24. Vehicle Use Areas shall be landscaped in accordance with Section 701.3.A of the Land Development Code.
  25. Exterior light poles shall be limited to a maximum fixture height of 20'. All fixtures shall be shielded in accordance with Figure 8-1 of the Land Development Code.

**B. ENVIRONMENTAL**

1. New wetland impacts are limited to 0.06 acres.
2. All other applicable local, state or federal permits shall be obtained prior to commencement of construction.

3. Any Conservation Easements required by the Land Development Code shall be determined at the time of Final Site Plan approval.
4. If wells are encountered, a Well Management Plan for the proper protection or 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); and
  - The final disposition of the well - used, capped, or plugged.

**C. STORMWATER**

1. 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 (utilizing the Braden River Watershed Management Plan available through the Public Works Department) shall demonstrate that no adverse impacts will be created to neighboring properties surrounding the site with respect to proposed impacts to the FEMA 2014 FIRM 100-year floodplain, 100-year floodway, county 25-year floodplain, 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   |
| 100-year/24-hour | 10 inches | FLMOD   |
| 100-year/72-hour | 18 inches | FDOT-72 |

The comparison of existing pre-development condition versus the proposed post-development condition shall include results in terms of runoff and staging. Drainage Modeling shall be submitted to demonstrate compliance prior to commencement of construction.

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 Rattlesnake Slough/Braden River Watershed.
3. All fill within the 100-year and 25-year floodplains shall be compensated by the creation of an equal or greater storage volume above seasonal high water table. 100-year and 25-year floodplain compensation shall be compensated in sole use compensation areas, not dual use facilities (i.e., stormwater attenuation and floodplain compensation).
4. A no-rise permit will be required prior to Final Site Plan approval for all proposed impacts, encroachment, or crossings over or within the FEMA floodway associated with Rattlesnake Slough. Any proposed structures (such as residential dwellings, accessory structures, amenity buildings, bridges, decks, etc.) shall be modeled.

5. 150% water quality treatment is required for Evers Watershed Protection Overlay (WP-E).
6. A Drainage Easement shall be dedicated to Manatee County and be provided within the project boundaries for Rattlesnake Slough (county designated maintenance system “E-193”). In addition, a twenty-five (25) feet Drainage-Maintenance Access Easement shall be provided along both sides of this drainage system. Manatee County is only responsible for maintaining the free flow of drainage through this system.
7. All proposed habitable structures shall be located outside of post-development 25-year and 100-year floodplain delineation; and proposed finish floor elevated, at minimum, one (1) foot above 100-year Base Flood Elevation (B.F.E.).

**D. TRANSPORTATION**

1. If a right-in/right out is provided on Whitfield Avenue, it shall be located to the west of the full intersection at Treymore Court. It shall be a minimum of 300 feet from the access at Treymore Court and 425 feet from the intersection of Lockwood Ridge Road and Whitfield Avenue.
2. If a right-in/right-out is provided on Lockwood Ridge Road, it shall be located south of the full intersection on the road and separated from the full access location by a minimum of 300 feet. It shall be located north of Rattlesnake Slough.
3. The developer shall also have the option of providing a vehicular and/or pedestrian connection between the northern and southern portions of the site as shown on the General Development Plan:
  - i. If a vehicular connection across Rattlesnake Slough is not provided and the southern portion of the project has one-hundred or more dwelling units, the right-in/right-out on Whitfield Avenue must be provided.
  - ii. If a vehicular connection across Rattlesnake Slough is not provided and the northern portion of the site has 100 or more dwelling units, an emergency access only on Lockwood Ridge Road shall be required as the second means of access. The emergency access shall be designed to accommodate emergency vehicles and be opened to all traffic, including residents, in the event of an emergency.
4. A detailed traffic analysis will be required at Final Site Plan to determine all required site-related improvements. The developer has agreed to provide commitments in order to meet the desires of the surrounding community and neighborhoods as follows:
  - The developer shall cause to have constructed to County standards a westbound left-turn lane on Whitfield Avenue into Treymore Court. The improvement shall be included in project construction plans. The improvement shall be constructed concurrently with connection to the project access point.
  - The developer shall work with staff to ensure adequate design of all proposed access locations and any required improvements with future plan submittals.
  - The developer shall construct a sidewalk to connect the existing sidewalk at the intersection of Lockwood Ridge and Whitfield Avenue to the sidewalk in front of Carlyle Subdivision in accordance with County regulations. If the developer is able to use County right-of-way, the sidewalk shall be eight (8) feet wide.

## **E. INFRASTRUCTURE**

1. Connection to the County water and wastewater system 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 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.

**Section 3. SPECIFIC APPROVAL.** Specific Approval is hereby granted for an alternative to Land Development Code Section: 1) 1001.1.C to allow an emergency access only to serve as the required second means of access.

**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 1<sup>st</sup> day of September 2022.



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

BY:   
Kevin Van Oostenbridge, Chairman

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

BY:   
Deputy Clerk



**Exhibit “A”**

**Legal Description**

*THE EAST 1/2 OF THE FOLLOWING DESCRIBED PROPERTY:*

*THE SOUTH 1/2 OF THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 21, TOWNSHIP 35 SOUTH, RANGE 18 EAST, MANATEE COUNTY, FLORIDA. LESS THE WESTERLY 659.39 FEET THEREOF.*

*ALSO LESS THE FOLLOWING DESCRIBED PARCEL OF LAND:*

*BEGIN AT THE SOUTHEAST CORNER OF THE SOUTHWEST 1/4 OF SAID SECTION 21, THENCE NORTH 89°42'31" WEST ALONG THE SOUTHERLY LINE OF SAID SOUTHWEST 1/4 AND NORTHERLY EXISTING RIGHT-OF-WAY LINE OF WHITEFIELD AVENUE, AS SHOWN ON THE PLAT OF SARAPLAMS PHASE II, A SUBDIVISION, RECORDED IN PLAT BOOK 29, PAGES 110 AND 111, OF THE PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA, A DISTANCE OF 328.60 FEET TO THE SOUTHWEST CORNER OF THAT CERTAIN TRACT OF LAND AS DEXCRIBED IN WARRANTY DEED RECORDED IN O.R. BOOK 1169, PAGE 3202, OF SAID RECORDS; THENCE NORTH 00°02'38" WEST, 50.00 FEET; THENCE SOUTH 89°42'31" EAST, PARALLELL WITH AND 50.00 FEET NORTHERLY OF THE SOUTHERLY LINE OF THE AFORESAID SOUTHWEST 1/4 OF SECTION 21, A DISTANCE OF 307.51 FEET; THENCE NORTH 45°00'00" EAST, 29.83 FEET TO A POINT ON THE WESTERLY EXITSTING RIGHT-OF-WAY LINE OF LOCKWOOD RIDGE ROAD PER O.R. BOOK 893, PAGE 1785, OF THE AFORESAID PUBLIC RECORDS; THENCE SOUTH 00°01'34" EAST, ALONG SAID WESTERLY EXISTING RIGHT-OF-WAY LINE, 71.20 FEET TO THE POINT OF BEGINNING.*



## FLORIDA DEPARTMENT *of* STATE

**RON DESANTIS**  
Governor

**CORD BYRD**  
Secretary of State

September 2, 2022

Honorable Angelina Colonnese  
Clerk of the Circuit Court  
Manatee County  
Post Office Box 25400  
Bradenton, Florida 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-19-13(G)(R), which was filed in this office on September 2, 2022.

Sincerely,

Anya Owens  
Program Administrator

ACO/wlh