

Manatee County Zoning Ordinance

PDR-19-13(Z)(G) - WHITFIELD-LOCKWOOD RESIDENTIAL - PARKWAY LAND TRUST #1 AND LT INVESTMENT 2, LLC - PLN1908-0013

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, REGARDING LAND DEVELOPMENT, AMENDING THE OFFICIAL ZONING ATLAS (ORDINANCE 15-17, AS AMENDED, THE MANATEE LAND DEVELOPMENT CODE), RELATING TO ZONING WITHIN THE UNINCORPORATED AREA; PROVIDING FOR A REZONE OF APPROXIMATELY 37.27 ACRES 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, FROM A-1/WP-E/ST (SUBURBAN AGRICULTURE/WATERSHED PROTECTION EVERS/SPECIAL TREATMENT OVERLAY DISTRICTS - 4.62-ACRES) AND RMF-6/WP-E/ST (RESIDENTIAL MULTI-FAMILY-6/WATERSHED PROTECTION EVERS/SPECIAL TREATMENT OVERLAY DISTRICTS - 32.65-ACRES) TO THE PDR (PLANNED DEVELOPMENT RESIDENTIAL) ZONING DISTRICT, RETAINING THE WP-E/ST (WATERSHED PROTECTION EVERS/SPECIAL TREATMENT) OVERLAY DISTRICTS; APPROVING A GENERAL DEVELOPMENT PLAN FOR A MAXIMUM OF 315 MULTI-FAMILY RESIDENTIAL UNITS; SUBJECT TO STIPULATIONS AS CONDITIONS OF APPROVAL; SETTING FORTH FINDINGS; PROVIDING A LEGAL DESCRIPTION; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Parkway Land Trust #1 and LT Investment 2, LLC (the “Applicants”) filed an application to rezone approximately 37.27 acres described in Exhibit “A”, attached hereto, (the “Property”) from A-1/WP-E/ST (Suburban Agriculture/Watershed Protection Evers/Special Treatment Overlay Districts - 4.62-Acres) and RMF-6/WP-E/ST (Residential Multi-Family-6/Watershed Protection Evers/Special Treatment Overlay Districts - 32.65-Acres) to the PDR (Planned Development Residential) zoning district, retaining the WP-E/ST (Watershed Protection Evers/Special Treatment) Overlay Districts; and

WHEREAS, the applicant also filed a General Development Plan for a maximum of 315 multi-family residential units (the “project”) on the property; and

WHEREAS, the applicant also filed a request for Specific Approval for alternatives to Land Development Code Sections 401.5.A.2. (to eliminate a six-foot solid decorative wall required for a project of three-stories or more, along a property line abutting a single-family residential development), 401.5.B.4. (to eliminate the requirement to have the main entrance of the building facing the street), and 402.7.D.5 (to reduce the width of the greenbelt buffer adjacent to the north property line from 15 feet to 10 feet); and

WHEREAS, the Building and Development Services staff recommended approval of the rezone, General Development Plan and Specific Approval applications subject to the stipulations contained in the staff report; and

WHEREAS, the Manatee County Planning Commission, after due public notice, held a public hearing on July 24, 2020 to consider the rezone, General Development Plan and Specific

Approval applications, received the staff recommendation 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 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 of the applications subject to the stipulations contained 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, application for amendment of the Official Zoning Atlas, 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 Official Zoning Atlas Amendment as it relates to the real property described in Exhibit "A" of this Ordinance from A-1/WP-E/ST (Suburban Agriculture/Watershed Protection Evers/Special Treatment Overlay Districts - 4.62-Acres) and RMF-6/WP-E/ST (Residential Multi-Family-6/Watershed Protection Evers/Special Treatment Overlay Districts - 32.65-Acres) to the PDR (Planned Development Residential) zoning district, retaining the WP-E/ST (Watershed Protection Evers/Special Treatment) Overlay Districts.

B. The Board of County Commissioners, after due public notice, held a public hearing on August 20, 2020 regarding the proposed Official Zoning Atlas Amendment 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 amendment to the Official Zoning Atlas 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. GENERAL DEVELOPMENT PLAN. The General Development Plan is hereby approved for a maximum of 315 multi-family residential units upon the property subject to the following Stipulations:

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 maximum 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 six-foot high decorative opaque wall or fence. 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. 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:

- a. Digital photographs of the well along with nearby reference structures (if existing);
- b. GPS coordinates (latitude/longitude) of the well;
- c. The methodology used to secure the well during construction (e.g. fence, tape); and
- d. 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, the right-in/right-out on Lockwood Ridge Road shall be required.
4. A detailed traffic analysis will be required at Final Site Plan to determine all required site-related improvements. If demonstrated to be needed safety or traffic circulation improvements by the traffic analysis, the following improvements shall be required:
 - 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 alternatives to Land Development Code Sections 401.5.A.2. (to eliminate a six-foot solid decorative wall required for a project of three-stories or more, along a property line abutting a single-family residential development), 401.5.B.4. (to eliminate the requirement to have the main entrance of the building facing the street), and 402.7.D.5 (to reduce the width of the greenbelt buffer adjacent to the north property line from 15 feet to 10 feet).

Section 4. AMENDMENT OF THE OFFICIAL ZONING ATLAS. The Official Zoning Atlas of Manatee County (Ordinance No. 15-17, the Manatee County Land Development Code) is hereby amended by changing the zoning district classification of the property described in Exhibit “A”, incorporated by reference herein, from A-1/WP-E/ST (Suburban Agriculture/Watershed Protection Evers/Special Treatment Overlay Districts - 4.62-Acres) and RMF-6/WP-E/ST (Residential Multi-Family-6/Watershed Protection Evers/Special Treatment Overlay Districts - 32.65-Acres) to the PDR (Planned Development Residential) zoning district, retaining the WP-E/ST (Watershed Protection Evers/Special Treatment) Overlay Districts, and the Clerk of the Circuit Court, as Clerk to the Board of County Commissioners, as well as the Building and Development Services Department, are hereby instructed to cause such amendment to the Official Zoning Atlas.

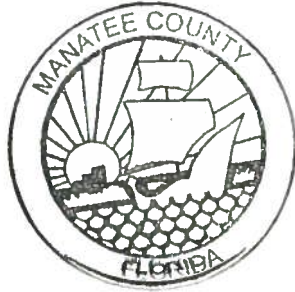
Section 5. SEVERABILITY. If any section, sentence, clause, or other provision of this Ordinance shall be held to be invalid or unconstitutional by a court of competent jurisdiction, such section, sentence, clause, or provision shall be deemed severable, and such invalidity or unconstitutionality shall not be construed as to render invalid or unconstitutional the remaining sections, sentences, clauses, or provisions of this Ordinance.

Section 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 20th day of August 2020.



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

BY: 
Betsy Benac, 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 DESCRIBED 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, PARALLEL 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 EXISTING 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.

A PARCEL OF LAND LYING IN THE SOUTHEAST 1/4 OF SECTION 21, TOWNSHIP 35 SOUTH, RANGE 18 EAST, MANATEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF THE SOUTHEAST 1/4 OF SECTION 21, TOWNSHIP 35 SOUTH, RANGE 18 EAST, THENCE N00°05'43"W, ALONG THE WEST LINE OF THE SOUTHEAST 1/4 OF SAID SECTION 21, SAID LINE ALSO BEING THE WESTERLY RIGHT-OF-WAY OF LOCKWOOD RIDGE ROAD, A DISTANCE OF 60.00 FEET; THENCE S89°37'41"E, TO THE INTERSECTION OF THE EASTERLY RIGHT-OF-WAY OF LOCKWOOD RIDGE ROAD AND THE NORTHERLY RIGHT-OF-WAY OF WHITEFIELD AVENUE, A DISTANCE OF 100.00 FEET A POINT OF BEGINNING; THENCE N00°05'43"W, ALONG SAID EASTERLY RIGHT-OF-WAY OF LOCKWOOD RIDGE ROAD TO THE NORTH LINE OF SOUTH 1/2 OF THE SOUTHEAST 1/4 OF SAID SECTION 21, A DISTANCE OF 1255.56 FEET; THENCE S89°39'55"E, ALONG SAID NORTH LINE OF THE SOUTH 1/2 OF THE SOUTHEAST 1/4 OF SAID SECTION 21 TO THE NORTHEAST CORNER OF THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SAID SECTION 21, A DISTANCE OF 1222.67 FEET; THENCE S00°05'33"E, TO THE NORTHER RIGHT-OF-WAY OF SAID WHITEFIELD AVENUE, A DISTANCE OF 1036.48 FEET; THENCE S78°17'49"W, ALONG SAID NORTHERLY RIGHT-OF-WAY OF WHITEFIELD AVENUE, A DISTANCE OF 1051.07 FEET; THENCE N89°37'32"W, ALONG SAID NORTHERLY RIGHT-OF-WAY TO THE EASTERLY

RIGHT-OF-WAY OF LOCKWOOD RIDGE ROAD, A DISTANCE OF 192.92 FEET TO THE
POINT OF BEGINNING.



FLORIDA DEPARTMENT *of* STATE

RON DESANTIS
Governor

LAUREL M. LEE
Secretary of State

August 21, 2020

Honorable Angelina Colonnese
Clerk of the Circuit Court
Manatee County
Post Office Box 25400
Bradenton, Florida 34206

Attention: Quantana Acevedo

Dear Ms. Colonnese:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of Manatee County Ordinance PDR-19-13(Z)(G), which was filed in this office on August 21, 2020.

Sincerely,

Ernest L. Reddick
Program Administrator

ELR/lb