

Manatee County Ordinance

PDR-19-23(G)(R) –STAR FARMS (LAKEWOOD RANCH NORTHEAST 700) **GDP MODIFICATION – FORESTAR (USA) REAL ESTATE GROUP** **INC.(OWNER) – PLN2206-0125**

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, REGARDING LAND DEVELOPMENT, AMENDING AND RESTATING ZONING ORDINANCE NO. PDR-19-23(Z)(G) TO REVISE THE GENERAL DEVELOPMENT PLAN (LARGE PROJECT) TO ALLOW AN ADDITIONAL ACCESS POINT ON THE NORTHEAST PORTION OF THE SITE ALONG BOURNESIDE BOULEVARD FOR A PREVIOUSLY APPROVED DEVELOPMENT OF 1500 RESIDENTIAL UNITS (SINGLE-FAMILY DETACHED, SINGLE-FAMILY SEMI-DETACHED, SINGLE-FAMILY ATTACHED AND MULTI-FAMILY); THE APPROXIMATELY 699.47 ACRE SITE IS ZONED PDR (PLANNED DEVELOPMENT RESIDENTIAL), LOCATED APPROXIMATELY 650 FEET SOUTH OF SR 64 EAST ON THE WEST SIDE OF BOURNESIDE BOULEVARD, EAST OF UIHLEIN ROAD, AND NORTH OF 44TH AVENUE EAST, BRADENTON (MANATEE COUNTY); SUBJECT TO STIPULATIONS AS CONDITIONS OF APPROVAL; SETTING FORTH FINDINGS; REPEALING ORDINANCE IN CONFLICT; PROVIDING A LEGAL DESCRIPTION; PROVIDING FOR SEVERABILITY, AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Forestar (USA) Real Estate Group Inc. (Owner) (the “Applicant”) filed an application for a revised General Development Plan (Large Project) to allow an additional access point on the northeast portion of the site along Bourneside Boulevard for a previously approved development of 1500 residential units (single-family detached, single-family semi-detached, single-family attached and multi-family); the approximately 699.47 acre site is zoned PDR (Planned Development Residential) 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: 1) 1005.7.D.2 – to allow backing onto a public or private lane for multi-family dwelling units; and 2) 1005.7.E to allow multiple stacking of spaces for multi-family units and 2); and

WHEREAS, the Manatee County Planning Commission, after due public notice, held a public hearing on January 12, 2023, 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 Special 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 February 2, 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 LDC Section 1005.7.D.2, the Board finds that the purpose of the LDC regulation is satisfied to an equivalent degree by the proposed design of a multi-family building which will be designed with garages and connecting onto a private R-O-W in the same manner that a single-family detached unit.

E. Notwithstanding the failure of this plan to comply with the requirements of LDC Section 1005.7.E, the Board finds that the purpose of the LDC regulation is satisfied to an equivalent degree by the proposed design because the project will provide adequate number of parking spaces, and the residents of the units with garages and driveways will have control over both spaces and the parking arrangements.

Section 2. REVISED GENERAL DEVELOPMENT PLAN. The revised General Development Plan is hereby approved for a (Large Project) to allow an additional access point on the northeast portion of the site along Bourneside Boulevard for a previously approved development of 1500 residential units (single-family detached, single-family semi-detached, single-family attached and multi-family), upon the property subject to the following Stipulations:

A. DESIGN AND LAND USE STIPULATIONS

1. No lots shall be platted through any landscape buffers, retention ponds, wetlands, wetland buffers, or upland preservation areas.
2. The Notice to Buyers shall be included in the Declaration of Covenants and Restrictions, and in a separate addendum to the Sales Contract, and in the Final Plat, and shall include language to inform prospective homeowners of:

- a. There are planned thoroughfares adjacent to the project [i.e. Uihlein Road (4-lane collector), 44th Avenue East (4-lane arterial) and Lorraine Road (4-lane arterial)], and potential noise associated with this planned roadway.
 - b. The presence of active agricultural operations in the nearby area and their potential impacts (noise and odor).
 - c. The internal streets within this subdivision are privately owned and maintained by the Homeowner's Association or other appropriate legal entity.
3. Any significant historical or archeological resources discovered during development activities shall be immediately reported to the Florida Department of State, Division of Historical Resources, and treatment of such resources shall be determined in cooperation with the Division of Historical Resources, and the County. The final determination of significance shall be made in conjunction with the Florida Department of State, Division of Historical Resources, and the County. The appropriate treatment of such resources (potentially including excavation of the site in accordance with the guidelines established by the Florida Department of State, Division of Historical Resources) must be completed before resource disturbing activities are allowed to continue. If human remains are encountered, the provisions contained in Chapter 872, Florida Statutes (Offenses Concerning Dead Bodies and Graves) shall be followed.
 4. All other applicable state or federal permits shall be obtained before commencement of the development.
 5. All lots adjacent to active agricultural operation shall have an additional 35' setback, unless separated by a street or other designated open space at least 35' in width. If an adjoining agricultural operation is no longer in effect at the time of submittal of the Final Plat, then the requirements of Section 702.6.7 shall no longer apply, and the additional 35' setback may be eliminated from the plat.
 6. All dumpsters, compactors, and other utility equipment shall be screened with a 6-foot high wall constructed with building materials consistent with the principal building(s). Compliance shall be verified with review of the building permit.
 7. A 2-foot separation from the internal edge of the sidewalk to the property line shall be provide for all proposed front-loaded garage units to ensure a 25-foot separation from the sidewalk to the garage.

B. ENVIRONMENTAL STIPULATIONS

1. All other applicable state or federal permits shall be obtained prior to commencement of development.
2. No lots shall be platted through post-development wetlands, wetland buffers or upland preservation areas.
3. A formal 100% gopher tortoise burrow survey will be required prior to construction in accordance with FWC's guidelines.

C. STORMWATER ENGINEERING STIPULATIONS

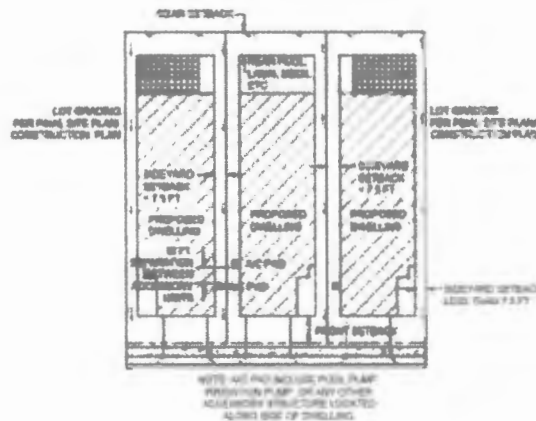
1. Pursuant to Section 801 and 802 of the Land Development Code and Code of Federal Regulations (CFR), Title 44, Section 60.3, the Construction Plan and associated Drainage Modeling shall demonstrate that no adverse impacts will be created to neighboring properties surrounding the site with respect to proposed impacts to the 25-year floodplain, FEMA 2014 FIRM 100-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
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 Mill Creek Watershed Management Plan and/or master 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 Mill Creek Watershed.
3. All fill within the 100-year floodplain (as delineated from the FEMA 2014 FIRM or best available information from Mill Creek Watershed Management Plan and/or master drainage modeling) 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).
4. Ten (10) feet separation shall be provided between accessory structures (i.e., Heat Pumps, A/C Handlers, pool pumps, etc.) along the side yards of properties with a side yard setback of less than 7.5 feet.



D. UTILITY ENGINEERING STIPULATIONS

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: 1) 1) 1005.7.D.2 – to allow backing onto a public or private lane for multi-family dwelling units; and 2) 1005.7.E to allow multiple stacking of spaces for multi-family units and 2).

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 2nd day of February 2023.



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

BY:


Kevin Van Ostenbridge, Chairman

ATTEST: ANGELINA COLONNESO
Clerk of the Circuit Court

BY:


Deputy Clerk

Exhibit "A"

Legal Description

DESCRIPTION: A parcel of land lying in Sections 1, 2, 11, and 12, Township 35 South, Range 19 East, Manatee County, Florida, and being more particularly described as follows:

COMMENCE at the Northeast corner of said Section 11, run thence along the East boundary of said Section 11, S.00°20'40"E., a distance of 1106.86 feet to a point on the Northerly right of way line of 44th AVENUE EAST, as described in Special Warranty Deed to Lakewood Ranch Stewardship District recorded in Official Records Book 2746, Page 3274, of the Public Records of Manatee County, Florida, said point also being the **POINT OF BEGINNING**; thence along said Northerly right of way line, the following four (4) courses: 1) S.89°59'34"W., a distance of 979.99 feet; 2) N.00°00'26"W., a distance of 12.00 feet; 3) S.89°59'34"W., a distance of 397.66 feet to a point of curvature; 4) Northwesterly, 78.54 feet along the arc of a tangent curve to the right having a radius of 50.00 feet and a central angle of 90°00'00" (chord bearing N.45°00'26"W., 70.71 feet) to a point of tangency on the Easterly right of way line of UIHLEIN ROAD, as described in aforesaid Special Warranty Deed to Lakewood Ranch Stewardship District recorded in Official Records Book 2746, Page 3274; thence along said Easterly right of way line of UIHLEIN ROAD, as describe in said Special Warranty Deed to Lakewood Ranch Stewardship District recorded in Official Records Book 2746, Page 3274, N.00°00'26"W., a distance of 64.15 feet to a corner on the Northerly boundary of said Special Warranty Deed to Lakewood Ranch Stewardship District recorded in Official Records Book 2746, Page 3274; thence continue along aforesaid Easterly right of way line of UIHLEIN ROAD, as described in Special Warranty Deed to Lakewood Ranch Stewardship District recorded in Official Records Book 2753, Page 4262, of the Public Records of Manatee County, Florida, the following four (4) courses: 1) continue N.00°00'26"W., a distance of 847.58 feet to a point of curvature; 2) Northerly, 1214.53 feet along the arc of a tangent curve to the left having a radius of 4060.00 feet and a central angle of 17°08'23" (chord bearing N.08°34'38"W., 1210.00 feet) to a point of reverse curvature; 3) Northerly, 1791.41 feet along the arc of a reverse curve to the right having a radius of 2083.00 feet and a central angle of 49°16'31" (chord bearing N.07°29'26"E., 1736.71 feet) to a point of reverse curvature; 4) Northerly, 961.18 feet along the arc of a reverse curve to the left having a radius of 2263.00 feet and a central angle of 24°20'08" (chord bearing N.19°57'38"E., 953.97 feet); thence along the (Proposed) Easterly right of way line of UIHLEIN ROAD, the following three (3) courses: 1) S.82°12'27"E., a distance of 12.00 feet to point on a curve; 2) Northerly, 236.34 feet along the arc of a non-tangent curve to the left having a radius of 2275.00 feet and a central angle of 05°57'08" (chord bearing N.04°48'59"E., 236.23 feet) to a point of reverse curvature; 3) Northeasterly, 38.87 feet along the arc of a reverse curve to the right having a radius of 25.00 feet and a central angle of 89°04'49" (chord bearing N.46°22'50"E., 35.07 feet) to a point of tangency on the (Proposed) Southerly right of way line of ACADEMIC AVENUE; thence along said (Proposed) Southerly right of way line of ACADEMIC AVENUE, S.89°04'45"E., a distance of 890.41 feet; thence S.00°19'16"W., a distance of 1300.07 feet; thence S.89°04'45"E., a distance of 1340.59 feet; thence N.00°18'22"E., a distance of 1300.07 feet to a point on aforesaid (Proposed) Southerly right of way line of ACADEMIC AVENUE; thence along said aforesaid (Proposed) Southerly right of way line of ACADEMIC AVENUE, the following four

(4) courses: 1) S.89°04'45"E., a distance of 4.41 feet to a point of curvature; 2) Easterly, 429.83 feet along the arc of a tangent curve to the left having a radius of 610.00 feet and a central angle of 40°22'24" (chord bearing N.70°44'03"E., 421.00 feet) to a point of tangency; 3) N.50°32'51"E., a distance of 80.99 feet to a point of curvature; 4) Easterly, 39.97 feet along the arc of a tangent curve to the right having a radius of 25.00 feet and a central angle of 91°36'52" (chord bearing S.83°38'43"E., 35.85 feet) to a point of tangency on the (Proposed) Westerly right of way line of LIGHTERWOOD TRAIL; thence along said (Proposed) Westerly right of way line of LIGHTERWOOD TRAIL, S.37°50'17"E., a distance of 38.51 feet; thence N.52°09'43"E., a distance of 221.74 feet; thence S.49°51'38"E., a distance of 864.16 feet; thence N.88°41'22"E., a distance of 230.70 feet; thence N.88°41'21"E., a distance of 296.36 feet; thence N.87°34'27"E., a distance of 305.44 feet; thence N.66°20'05"E., a distance of 99.35 feet; thence N.31°37'19"E., a distance of 181.75 feet; thence N.35°04'07"E., a distance of 112.25 feet; thence N.55°41'36"E., a distance of 571.71 feet; thence N.72°19'16"E., a distance of 308.62 feet; thence N.19°16'39"E., a distance of 156.03 feet; thence, in part, along the South boundary of East Manatee Fire Rescue District Parcel 1, according to Official Records Book 2449, Page 7146, of the Public Records of Manatee County, Florida, S.90°00'00"E., a distance of 542.14, to the Southeast corner thereof, also being a point on a curve on the Westerly right of way line of BOURNESIDE BOULEVARD, as described in aforesaid Special Warranty Deed to Lakewood Ranch Stewardship District recorded in Official Records Book 2746, Page 3274; thence along said westerly right of way line of BOURNESIDE BOULEVARD, the following five (5) courses: 1) Southerly, 131.95 feet along the arc of a non-tangent curve to the left having a radius of 2158.00 feet and a central angle of 03°30'12" (chord bearing S.13°53'35"E., 131.93 feet) to a point of reverse curvature; 2) Southerly, 56.92 feet along the arc of a reverse curve to the right having a radius of 2008.00 feet and a central angle of 01°37'27" (chord bearing S.14°49'58"E., 56.92 feet); 3) N.72°50'42"E., a distance of 15.02 feet; 4) Southerly, 503.80 feet along the arc of a non-tangent curve to the right having a radius of 2023.00 feet and a central angle of 14°16'07" (chord bearing S.06°54'35"E., 502.49 feet) to a point of tangency; 5) S.00°13'29"W., a distance of 918.82 feet to the Northeast corner of Peace River Electric Cooperative, Inc. parcel, according to Official Records Book 2323, Page 1561, of the Public Records of Manatee County, Florida; thence along the North, West, and South boundary of said Peace River Electric Cooperative, Inc. parcel, in respective order, the following three (3) courses: 1) N.89°46'31"W., a distance of 466.74 feet; 2) S.00°13'29"W., a distance of 466.69 feet; 3) S.89°46'31"E., a distance of 466.74 feet to aforesaid Westerly right of way line of BOURNESIDE BOULEVARD, as described in aforesaid Special Warranty Deed to Lakewood Ranch Stewardship District recorded in Official Records Book 2746, Page 3274; thence along said Westerly right of way line of BOURNESIDE BOULEVARD, as described in Special Warranty Deed to Lakewood Ranch Stewardship District recorded in Official Records Book 2746, Page 3274, the following five (5) courses: 1) S.00°13'29"W., a distance of 2519.72 feet; 2) S.00°11'48"W., a distance of 501.45 feet; 3) S.13°41'32"W., a distance of 51.42 feet; 4) S.00°11'48"W., a distance of 141.55 feet to a point of curvature; 5) Southwesterly, 78.37 feet along the arc of a tangent curve to the right having a radius of 50.00 feet and a central angle of 89°48'12" (chord bearing S.45°05'54"W., 70.59 feet) to a point of tangency on aforesaid Northerly right of way line of 44th AVENUE EAST, as described in aforesaid Special Warranty Deed to Lakewood Ranch Stewardship District recorded in Official Records Book 2746, Page 3274; thence along said Northerly right of way line of 44th AVENUE EAST, as described in Special Warranty Deed to Lakewood Ranch Stewardship

District recorded in Official Records Book 2746, Page 3274, the following four (4) courses:
1) S.90°00'00"W., a distance of 2900.80 feet to a point of curvature; 2) Westerly, 821.71 feet along the arc of a tangent curve to the left having a radius of 2203.00 feet and a central angle of 21°22'16" (chord bearing S.79°18'52"W., 816.96 feet) to a point of reverse curvature; 3) Westerly, 776.69 feet along the arc of a reverse curve to the right having a radius of 2083.00 feet and a central angle of 21°21'50" (chord bearing S.79°18'39"W., 772.20 feet) to a point of tangency; 4) S.89°59'34"W., a distance of 612.50 feet to the **POINT OF BEGINNING.**

Containing 699.468 acres, more or less.



FLORIDA DEPARTMENT *of* STATE

RON DESANTIS
Governor

CORD BYRD
Secretary of State

February 2, 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-19-23(G)(R), which was filed in this office on February 2, 2023.

Sincerely,

Anya Owens
Program Administrator

ACO/rra