

Manatee County Ordinance

PDR-20-04(G) – BRADEN POINTE – B & H CATTLE COMPANY (OWNER) – MAS DEVELOPMENT CORPORATION (CONTRACT PURCHASER) – PLN2002-0077

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, REGARDING LAND DEVELOPMENT, APPROVING A GENERAL DEVELOPMENT PLAN FOR A 323 SINGLE-FAMILY AND MULTI-FAMILY RESIDENTIAL UNIT PROJECT; THE PROPERTY IS APPROXIMATELY 35.88 ACRES AND IS GENERALLY LOCATED AT THE SOUTHEAST CORNER OF U.S. 301 AND 38TH AVENUE EAST AND IS COMMONLY KNOWN AS 3806 30TH STREET EAST, BRADENTON (MANATEE COUNTY); 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, B & H Cattle Company (Owner)/Mas Development Corporation (Contract Purchaser) (the “Applicants”) filed an application for a General Development Plan for approximately 35.88 acres 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 Section 402.7.D.7 to allow a reduction to the front yard setback. and

WHEREAS, the Building and Development Services staff recommended approval of the 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 October 8, 2020 to consider the 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 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 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 November 5, 2020 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 402.7.D.7, the Board finds that the purpose of the LDC regulation is satisfied to an equivalent degree by the proposed design because adequate separation from the garage to the internal edge of the sidewalk will be provided to promote safety pedestrian movements and avoiding potential obstruction along sidewalks.

Section 2. GENERAL DEVELOPMENT PLAN. The General Development Plan is hereby approved for a 323 single-family and multi-family residential unit project upon the property subject to the following Stipulations:

STIPULATIONS

A. DESIGN AND LAND USE

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. Prior to Final Site Plan approval, the applicant shall provide a noise mitigation plan to staff for mitigation of noise from thoroughfare roads. Such analysis shall demonstrate noise mitigation based on projected 2025 traffic volumes. Any required noise mitigation measure shown in the plan shall be installed as required by the approved plan. If noise mitigation measures include fences or walls, with the roadway buffers, then all required landscaping shall be on the roadway side of the fence or wall.
4. 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.

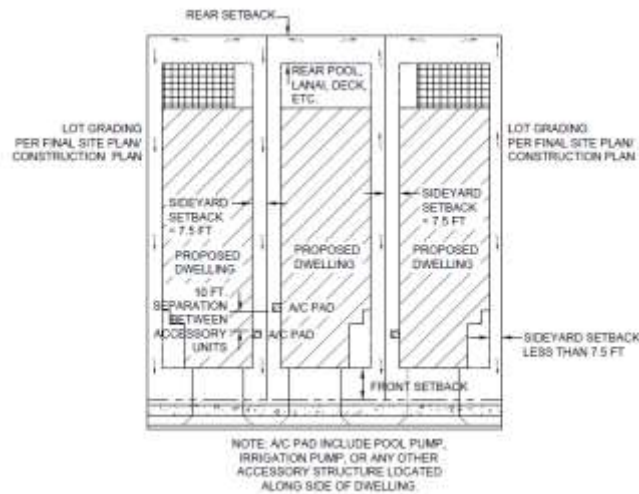
5. Final Site Plan (FSP) review and approval is required for recreational area(s) and any proposed amenities. Any structures and/or uses shall comply with the LDC requirements for parking, screening buffer (recreational use to single family), structure height, signage, etc. Recreation Area structure(s) shall have a minimum setback of 20-feet from property lines.
6. A 3-foot separation from the internal edge of the sidewalk to the property line shall be provided for all proposed front-loaded garage units to ensure a 23-foot separation from the sidewalk to the garage.
7. A minimum front yard setback of 50-feet for all residential structures of three (3) stories or more shall be provided adjacent to U.S 301, 44th Avenue East, and 38th Avenue East 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.
8. All multi-family buildings shall be set back a minimum of 200 feet from the eastern project boundary and a minimum of 100 feet from the northeastern project boundary.
9. Proposed building shall be in substantial conformance with the elevations entered into the records, attached as “Exhibit B”. Building elevations shall be provided with the Final Site Plan for review and approval.
10. Paved pedestrian walks interconnecting principal structures, parking areas, recreational facilities, and adjoining sidewalks shall be provided for the multi-family component of the project. The minimum width of the sidewalks and/or walkways shall be five feet.

B. ENVIRONMENTAL

1. There are no impacts to jurisdictional wetlands or wetland buffers being approved by the adoption of this ordinance.
2. All other applicable state or federal permits shall be obtained prior to commencement of development.
3. If wells are encountered, a Well Management Plan for the proper protection and abandonment of existing wells shall be submitted to the ERS 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.

C. STORMWATER

1. 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 Sugarhouse Creek Watershed.
2. 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. TRANSPORTATION

1. A detailed traffic analysis will be required prior to final site plan approval depending on type and size of development. Additional on-site and/or off-site improvements may be required as the property is developed.

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.
2. A 5-foot wide sidewalk shall be required along this development's property line within the public right-of-way along 38th Avenue East (Elwood Park Road).

3. A 5-foot wide sidewalk shall be required along this development's property line within the public right-of-way along 30th Street East.
4. This development is located within (2) two walking miles of a school (Manatee Charter School) therefore a 5-foot wide sidewalk shall be required along both sides of all internal streets within this development.

Section 3. SPECIFIC APPROVAL. Specific Approval is hereby granted for alternatives to Land Development Code Section: 402.7.D.7, to allow a reduction of the front yard setback. .

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.

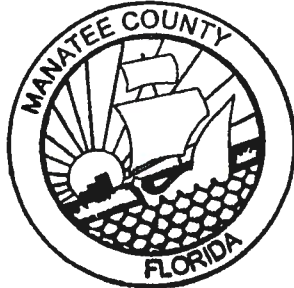
Section 5. REPEALING ORDINANCES IN CONFLICT. All ordinances in conflict with this Ordinance are hereby repealed to the extent of such conflict.

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 5th day of November 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

FROM THE SE CORNER OF THE SW 1/4 OF THE NW 1/4 OF SECTION 8, TOWNSHIP 35S, RANGE 18E, THENCE N89°01'41"W, ALONG THE SOUTH LINE OF SAID SW 1/4 OF THE NW 1/4, A DISTANCE OF 33.00 FEET TO THE WEST RIGHT OF WAY LINE OF 30TH STREET E; THENCE CONTINUE N89°01'41"W, A DISTANCE OF 1270.15 FEET TO THE EASTERLY RIGHT OF WAY LINE OF U.S. 301 (SEC 13120-2506); THENCE N00°25'10"E, ALONG SAID RIGHT OF WAY LINE, A DISTANCE OF 2143.29 FEET; THENCE N02°36'32"E, A DISTANCE OF 537.36 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE N02°36'32"E, A DISTANCE OF 85.58 FEET; THENCE N06°58'37"W, A DISTANCE OF 1132.67 FEET; THENCE N87°57'25"E, ALONG THE SOUTHERLY RIGHT OF WAY LINE OF 38TH AVENUE E, A DISTANCE OF 70.11 FEET; THENCE CONTINUE ALONG SAID RIGHT OF WAY LINE, S88°46'22"E, A DISTANCE OF 7.80 FEET; THENCE S88°57'31"E, A DISTANCE OF 262.42 FEET; THENCE N01°06'41"E, A DISTANCE OF 2.00 FEET; THENCE S88°57'31"E, A DISTANCE OF 984.30 FEET; THENCE S44°36'12"E, A DISTANCE OF 28.60 FEET TO THE INTERSECTION OF THE WEST RIGHT OF WAY LINE OF 30TH STREET E; THENCE S00°14'53"E, ALONG SAID RIGHT OF WAY LINE, PARALLEL WITH & 30 FEET FROM THE CENTERLINE OF SAID 30TH STREET E, A DISTANCE OF 1194.94 FEET TO THE INTERSECTION OF THE SOUTH LINE OF SECTION 5, TOWNSHIP 35S, RANGE 18E; THENCE S00°15'50"E, ALONG SAID RIGHT OF WAY LINE, A DISTANCE OF 76.32 FT TO THE INTERSECTION OF THE NORTH RIGHT OF WAY LINE OF 44TH AVENUE E; THENCE S89°44'08"W, ALONG SAID RIGHT OF WAY LINE, A DISTANCE OF 26.72 FEET; THENCE S00°15'52"E, A DISTANCE OF 17.39 FEET; THENCE S45°28'02"W, A DISTANCE OF 2.82 FEET; THENCE N88°47'53"W, A DISTANCE OF 70.41 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE RIGHT; THENCE IN A NORTHWESTERLY DIRECTION ALONG THE ARC OF SAID CURVE, HAVING A RADIUS OF 2027.00 FEET AND A CENTRAL ANGLE OF 04°43'18", A DISTANCE OF 167.05 FEET; THENCE N79°37'32"W, A DISTANCE OF 400.76 FEET; THENCE N88°48'48"W, A DISTANCE OF 295.83 FEET; THENCE N69°25'00"W, A DISTANCE OF 71.34 FEET; THENCE N88°55'13"W, A DISTANCE OF 190.53 FEET TO THE POINT OF BEGINNING.

LESS AND EXCEPT THAT PORTION DESCRIBED IN THAT CERTAIN STIPULATED ORDER OF TAKING AND FINAL JUDGEMENT, CASE NO. 2014-CA-005974, RECORDED IN OFFICIAL RECORDS BOOK 2567, PAGE 18, AS AFFECTED BY THAT AMENDED STIPULATED ORDER OF TAKING AND FINAL JUDGEMENT RECORDED IN OFFICIAL RECORDS BOOK 2594, PAGE 7565, OF THE PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA.

MULTI-FAMILY



SINGLE FAMILY ATTACHED (TOWNHOUSE)



SINGLE FAMILY DETACHED - 1 STORY



SINGLE FAMILY DETACHED - 2 STORIES



SINGLE FAMILY SEMI-DETACHED



- NOTE:
- BUILDING DESIGN SHALL BE IN SUBSTANTIAL CONFORMANCE WITH THE ILLUSTRATIONS ENTERED INTO THE RECORD IN THIS CASE. AN ALTERNATIVE DESIGN OF EQUAL OR SUPERIOR QUALITY MAY BE APPROVED BY THE BUILDING AND DEVELOPMENT SERVICES DEPARTMENT DIRECTOR.

Michael E Rissman
Digitally signed by Michael E Rissman
Date: 2020.09.30 09:00:06 -04'00'

EXHIBIT B



FLORIDA DEPARTMENT *of* STATE

RON DESANTIS
Governor

LAUREL M. LEE
Secretary of State

November 6, 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 No. PDR-20-04(G), which was filed in this office on November 6, 2020.

Sincerely,

Ernest L. Reddick
Program Administrator

ELR/lb