

Manatee County Zoning Ordinance

PDR-20-11(Z)(G) – SARASOTA EQUITY TRUST LLC / WILLIS ROAD RESIDENTIAL – **SARASOTA EQUITY TRUST LLC (OWNER) – PLN2006-0047**

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, REGARDING LAND DEVELOPMENT; AMENDING THE OFFICIAL ZONING ATLAS (ORDINANCE 15-17, THE MANATEE COUNTY LAND DEVELOPMENT CODE), RELATING TO THE ZONING WITHIN THE UNINCORPORATED AREA; PROVIDING FOR A REZONE OF APPROXIMATELY 20.00 ACRES GENERALLY LOCATED EAST OF INTERSTATE-75 AND APPROXIMATELY 0.39 MILES EAST OF BUFFALO ROAD, COMMONLY KNOWN AS 5660 77TH STREET EAST (WILLIS ROAD), PALMETTO (MANATEE COUNTY), FROM A-1 (AGRICULTURE SUBURBAN) TO THE PDR (PLANNED DEVELOPMENT RESIDENTIAL) ZONING DISTRICT; APPROVING A GENERAL DEVELOPMENT PLAN FOR SEVENTY-SEVEN (77) SINGLE-FAMILY DETACHED RESIDENTIAL DWELLING UNITS; SUBJECT TO STIPULATIONS AS CONDITIONS OF APPROVAL; SETTING FORTH FINDINGS; PROVIDING A LEGAL DESCRIPTION; PROVIDING FOR SEVERABILITY, AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Sarasota Equity Trust, LLC (the “Applicant”) filed an application to rezone approximately 20.00 acres described in Exhibit “A”, attached hereto, (the “Property”) from A-1 (Agriculture Suburban) to the PDR (Planned Development Residential) zoning district; and

WHEREAS, the applicant also filed a General Development Plan for seventy-seven (77) single-family detached residential dwelling units (the “project”) on the property; and

WHEREAS, the applicant also filed a request for Specific Approval for alternatives to Land Development Code Sections: 1) 402.7.D.7 (reduce the required front yard building setback from twenty-five (25) feet to twenty (20) feet for lots one (1) through five (5) having front and side loaded garages as shown on the General Development Plan (GDP); and 2) 402.7.D.5 and 701.4.B.4 (the 15-foot greenbelt requirement along the northern property boundary for residential planned development based upon the submission of an alternative standard of twenty (20) feet of open space/stormwater along the northern property boundary); 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 December 17, 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 Rezone, General Development Plan and Specific Approval applications inconsistent with the Manatee County Comprehensive Plan and not in compliance with the

criteria for approval in the Manatee County Land Development Code and recommended denial of the Rezone, General Development Plan and Specific Approval applications.

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, General Development Plan and Specific Approval Applications as they relate 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 January 7, 2021 regarding the proposed Official Zoning Atlas Amendment, General Development Plan and Specific Approval applications described herein in accordance with the requirements of the Manatee County Land Development Code and has further considered the evidence and testimony received at said public hearing.

C. The proposed amendment to the Official Zoning Atlas, General Development Plan and Specific Approval applications regarding the property described in Exhibit "A" herein are 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 Land Development Code regulation is satisfied to an acceptable degree based on the evidence submitted into the public hearing record.

E. Notwithstanding the failure of this plan to comply with the requirements of Land Development Code Section 701.4.B.4, the Board finds that the purpose of the Land Development Code regulation is satisfied to an acceptable degree based on the alternative design submitted into evidence by the Applicant into the public hearing record.

Section 2. GENERAL DEVELOPMENT PLAN. The General Development Plan is hereby approved for seventy-seven (77) single-family detached residential dwelling units upon the property subject to the following Stipulations:

STIPULATIONS

A. DESIGN AND LAND USE STIPULATIONS

1. The Preliminary Site Plan/Final Site Plan shall depict the required 15-foot wide greenbelt buffer long the entire northern and western boundaries of the project unless Specific Approval is granted with this request.
2. The Preliminary Site Plan/Final Site Plan shall illustrate a focal point in accordance with LDC requirements.

3. The front yard setback for lots one (1) through five (5) (lots located in the southerly 300 feet on the western boundary) shall be twenty (20) feet from the right-of-way to the garage portion of the structure and twenty-three (23) feet from the sidewalk to the garage portion of the structure for front loaded garages.
4. 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.
5. If applicable, all lots adjacent to active agricultural operations shall have an additional thirty-five (35) foot setback, unless separated by a street or other designated open space at least thirty-five (35) foot 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 401.3.E.(8) shall no longer apply, and the additional thirty-five (35) foot setback may be eliminated from the plat.
6. The design shown on the General Development Plan reflects the applicant's conceptual intent. The location of specific design features may change subject to conformance with the Land Development Code and the stipulations listed herein. The maximum number of lots is 77.

B. ENVIRONMENTAL STIPULATIONS

1. All applicable state or federal permits shall be obtained prior to commencement of development.
2. A fifteen (15) foot building setback is required between the upland edge of the wetland buffer and adjacent structures. Setbacks will be addressed during Final Site Plan review (LDC Section 401.3).
3. No additional impacts or encroachments are approved for the fifteen (15) foot variable width wetland buffer. Any necessary sloping or grade changes for lots shall terminate at the edge of the fifteen (15) foot variable width wetland buffer.
4. No lots shall be platted through post-development wetlands, wetland buffers or upland preservation areas. Before Final Site Plan approval, lots will need to be drawn so they do not encroach into the wetlands or wetland buffers. Buffer encroachments and buffer restoration plans will be addressed during Final Site Plan to ensure consistency with the County's variable width buffer requirement per LDC Section 706.4.C and buffer restoration requirements per LDC Section 706.4.D.

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.

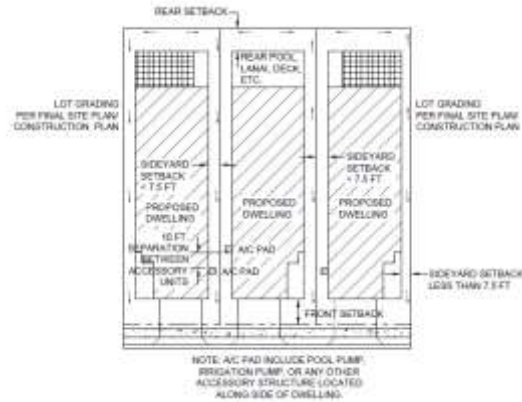
C. STORMWATER ENGINEERING STIPULATIONS

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 County 25-year floodplain, FEMA 2014 FIRM 100-year floodplain, and post-development discharge of runoff. The Buffalo Canal Watershed Management Plan (available through the Public Works Department) shall be incorporated into drainage modeling analysis. 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

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 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 Buffalo Canal 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. 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.).
5. Ten (10) feet separation shall be provided between accessory structures (i.e., Heat Pumps, IC 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 APPROVALS. Specific Approval is hereby granted for alternatives to Land Development Code Sections: 1) 402.7.D.7 (reduce the required front yard building setback from twenty-five (25) feet to twenty (20) feet for lots one (1) through five (5) having front and side loaded garages as shown on the General Development Plan (GDP); and 2) 402.7.D.5 and 701.4.B.4 (the 15-foot greenbelt requirement along the northern property boundary for residential planned development by providing an alternative standard of twenty (20) feet of open space/stormwater along the northern property boundary).

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, A-1 (Agriculture Suburban) to the PDR (Planned Development Residential) zoning district, 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.

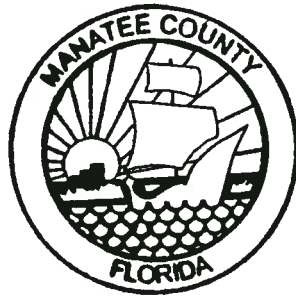
Section 6. CODIFICATION. Pursuant to § 125.68(1), Florida Statutes, this ordinance is not required to be codified. Therefore, the Clerk shall not transmit the ordinance for codification.

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 7th day of January 2021.



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

BY: _____

Vanessa Baugh, Chairperson

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

BY: _____

Deputy Clerk

Exhibit “A”

Legal Description

THE WEST ½ OF THE NORTHWEST 1/4 OF THE NORTHEAST 1/4 OF SECTION 28, TOWNSHIP 33 SOUTH, RANGE 18 EAST, LESS THE SOUTHERLY 25 FEET THEREOF FOR ROAD RIGHT OF WAY AS DESCRIBED IN OFFICIAL RECORDS BOOK 298, PAGE 542 ALL OF THE OFFICIAL RECORDS OF MANATEE COUNTY, FLORIDA.

SAID LANDS CONTAINING 20.0 ACRES MORE OR LESS.



FLORIDA DEPARTMENT *of* STATE

RON DESANTIS
Governor

LAUREL M. LEE
Secretary of State

January 8, 2021

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-20-11(Z)(G), which was filed in this office on January 8, 2021.

Sincerely,

Ernest L. Reddick
Program Administrator

ELR/lb