

Manatee County Ordinance

PDR-21-01(P) – CEDAR RUN PHASE II – CEDAR RUN CONDOMINIUM ASSOCIATION (OWNER) – PLN2101-0004

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, REGARDING LAND DEVELOPMENT, A PRELIMINARY SITE PLAN FOR THE DEVELOPMENT OF SIXTEEN (16) MULTI-FAMILY RESIDENTIAL UNITS (EIGHT (8) OF WHICH ARE EXISTING) ON APPROXIMATELY 2.05 ACRES IN THE PD-R (PLANNED DEVELOPMENT RESIDENTIAL) ZONING DISTRICT; THE PROPERTY IS GENERALLY LOCATED APPROXIMATELY ONE-HALF (½) MILE NORTH OF 53RD AVENUE WEST ALONG THE WEST FRONTAGE OF 26TH STREET WEST WITH AN ADDRESS COMMONLY KNOWN AS 2734 49TH AVENUE WEST, BRADENTON; SUBJECT TO STIPULATIONS AS CONDITIONS OF APPROVAL; PROVIDING A LEGAL DESCRIPTION; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Cedar Run Condominium Association (Owner)/Michael Fenton (Applicant) (the "Applicants") filed an application for a Preliminary Site Plan for the development of sixteen (16) multi-family residential units (eight (8) of which are existing) on approximately 2.05 acres in the PDR (Planned Development Residential) zoning district 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 402.7.D.5 and 701.4.B.4 (reduction of greenbelt buffer from 15 feet to 8 feet along the eastern project perimeter boundary); and

WHEREAS, the Manatee County Planning Commission, after due public notice, held public hearings on November 10, 2021, and December 9, 2021, to consider the Preliminary Site 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 Preliminary Site 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 Preliminary Site 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 public hearings on December 2, 2021, and January 6, 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 Land Development Code Sections 402.7.D.5 and 701.4.B.4, the Board finds that the purpose of the LDC regulation is satisfied to an equivalent degree by the proposed design.

Section 2. PRELIMINARY SITE PLAN. The Preliminary Site Plan is hereby approved for the development of sixteen (16) multi-family residential units (eight (8) of which are existing) 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 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.
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. The applicant shall submit a lighting plan at the time of Final Site Plan approval.

B. ENVIRONMENTAL

1. All other applicable state or federal permits shall be obtained prior to commencement of development.

2. If wells are encountered, a Well Management Plan for the proper protection and abandonment of existing wells shall be submitted to the EPS for review and approval prior to recommencing construction activities. The Well Management Plan shall include the following information:
 - GPS coordinates (latitude/longitude) of the well;
 - Digital photographs of the well along with nearby reference structures (if existing);
 - The methodology used to secure the well during construction (e.g. fence, tape); &
 - The final disposition of the well - used, capped, or plugged.
3. 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

1. Any fill within 100-year floodplain delineation pursuant to the City of Bradenton Watershed Management Plan (WMP) 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). Alternatively, the applicant can utilize drainage modeling (submitted for review to the Public Works Department with the Construction Plan submittal) to demonstrate no adverse drainage impacts for the mean annual, 10-year, 25-year, and 100-year design storm events to a no-rise condition.
2. A Drainage Easement shall be dedicated to Manatee County and be provided within the project boundaries for the West Branch of Cedar Hammock Drainage Canal (county designated maintenance system "W-58"). Manatee County is only responsible for maintaining the free flow of drainage through this drainage system.

D. INFRASTRUCTURE

1. Connection to the County potable water and wastewater systems 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. Any off-site extensions shall be designed and constructed in accordance with the appropriate 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: 402.7.D.5 and 701.4.B.4 (reduction of greenbelt buffer from 15 feet to 8 feet along the eastern project perimeter boundary). Specific Approval shall continue in effect and shall expire concurrent with the Preliminary Site Plan for the project approved pursuant to Section 2 hereof.

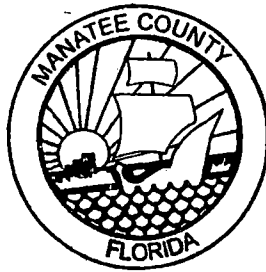
Section 4. SEVERABILITY. If any section, sentence, clause, or other provision of this Ordinance shall be held to be invalid or unconstitutional by a court of competent jurisdiction, such section, sentence, clause, or provision shall be deemed severable, and such invalidity or unconstitutionality shall 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 6th day of January 2022.



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

BY: 
Kevin Van Ostenbridge, Chairman

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

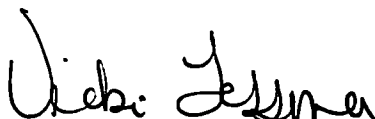
BY: 
Deputy Clerk

Exhibit "A"

Legal Description

PHASE I:

COMMENCE AT THE NORTHEAST CORNER OF THE NORTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 10, TOWNSHIP 35 SOUTH, RANGE 17 EAST; THENCE N89°40'16"W, ALONG THE NORTH LINE OF SAID NORTHEAST 1/4 OF THE SOUTHWEST 1/4, A DISTANCE OF 38.94 FEET TO A CONCRETE MONUMENT MARKING THE INTERSECTION OF SAID LINE AND THE WEST RIGHT-OF-WAY LINE OF 26TH STREET WEST; THENCE S00°12'55"E, ALONG SAID WEST RIGHT-OF-WAY LINE OF 26TH STREET WEST, A DISTANCE OF 92.71 FEET FOR A POINT OF BEGINNING; THENCE N89°40'16"W, PARALLEL WITH SAID NORTH LINE OF NORTHEAST 1/4 OF SOUTHWEST 1/4, A DISTANCE OF 463.91 FEET TO THE INTERSECTION OF THE SOUTHERLY EXTENSION OF THE WEST RIGHT-OF-WAY LINE OF 27TH STREET WEST; THENCE N00°05'43"W, ALONG SAID SOUTHERLY EXTENSION, A DISTANCE OF 22.56 FEET; THENCE S89°59'06"W, A DISTANCE OF 129.43 FEET; THENCE N00°00'54"W, A DISTANCE OF 65.60 FEET TO THE OCCUPIED SOUTH LINE OF "McCOLLUM'S LAKE SUBDIVISION" AS RECORDED IN PLAT BOOK 7, PAGE 49, PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA; THENCE S89°59'06"W, ALONG SAID OCCUPIED SOUTH LINE A DISTANCE OF 378.00 FEET TO INTERSECTION WITH THE SOUTHWESTERLY RIGHT-OF-WAY LINE OF "CEDAR HAMMOCK DRAINAGE CANAL"; THENCE S66°51'14"E ALONG SAID SOUTHWESTERLY CANAL RIGHT-OF-WAY A DISTANCE OF 553.10 FEET; THENCE N23°08'46"E, A DISTANCE OF 105.82 FEET; THENCE S66°51'14"E, A DISTANCE OF 106.16 FEET; THENCE S89°40'16"E, A DISTANCE OF 20.63 FEET; THENCE S66°51'14"E, A DISTANCE OF 120.59 FEET; THENCE N23°08'46"E, A DISTANCE OF 53.99 FEET; THENCE S89°40'16"E A DISTANCE OF 171.12 FEET TO THE WEST RIGHT-OF-WAY LINE OF 26th STREET WEST; THENCE N00°12'55"W ALONG SAID WEST RIGHT-OF-WAY LINE A DISTANCE OF 70.00 FEET TO THE POINT OF BEGINNING; LESS THE EAST 4.00 FEET THEREOF FOR ROAD RIGHT-OF-WAY.

TOGETHER WITH A MAINTENANCE EASEMENT OVER THE WEST 10.00 FEET OF THE FOLLOWING DESCRIBED PROPERTY; COMMENCE AT THE NORTHEAST CORNER OF THE NORTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 10, TOWNSHIP 35 SOUTH, RANGE 17 EAST; THENCE N89°40'16"W, ALONG THE NORTH LINE OF SAID NORTHEAST 1/4 OF THE SOUTHWEST 1/4, A DISTANCE OF 38.94 FEET TO A CONCRETE MONUMENT MARKING THE INTERSECTION OF SAID LINE AND THE WEST RIGHT-OF-WAY LINE OF 26TH STREET WEST; THENCE S00°12'55"E, ALONG SAID WEST RIGHT-OF-WAY LINE OF 26TH STREET WEST, A DISTANCE OF 92.71 FEET; THENCE N89°40'16"W, PARALLEL WITH SAID NORTH LINE OF NORTHEAST 1/4 OF SOUTHWEST 1/4, A DISTANCE OF 463.91 FEET TO THE INTERSECTION OF THE SOUTHERLY EXTENSION OF THE WEST RIGHT-OF-WAY OF 27TH STREET WEST; THENCE N00°05'43"W, ALONG SAID SOUTHERLY EXTENSION, A DISTANCE OF 22.56 FEET FOR A POINT OF BEGINNING; THENCE S89°59'06"W A DISTANCE OF 129.43 FEET; THENCE N00°00'54"W, A DISTANCE OF 65.60 FEET TO THE OCCUPIED SOUTH LINE OF "McCOLLUM'S LAKE" SUBDIVISION AS RECORDED IN PLAT BOOK 7, PAGE 49, PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA; THENCE N89°59'06"E, ALONG SAID OCCUPIED SOUTH LINE, A DISTANCE OF 129.33 FEET TO THE

SAID WEST RIGHT-OF-WAY LINE OF 27TH STREET WEST; THENCE S00°05'43"E, A DISTANCE OF 65.60 FEET TO THE POINT OF BEGINNING.

PHASE II:

COMMENCE AT THE NORTHEAST CORNER OF THE NORTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 10, TOWNSHIP 35 SOUTH, RANGE 17 EAST; THENCE N89°40'16"W, ALONG THE NORTH LINE OF SAID NORTHEAST 1/4 OF THE SOUTHWEST 1/4, A DISTANCE OF 38.94 FEET TO A CONCRETE MONUMENT MARKING THE INTERSECTION OF SAID LINE AND THE WEST RIGHT-OF-WAY LINE OF 26TH STREET WEST; THENCE S00°12'55"E, ALONG SAID WEST RIGHT-OF-WAY LINE OF 26TH STREET WEST, A DISTANCE OF 92.71 FEET; THENCE N89°40'16"W, PARALLEL WITH SAID NORTH LINE OF NORTHEAST 1/4 OF SOUTHWEST 1/4, A DISTANCE OF 463.91 FEET TO THE INTERSECTION OF THE SOUTHERLY EXTENSION OF THE WEST RIGHT-OF-WAY LINE OF 27TH STREET WEST; THENCE N00°05'43"W, ALONG SAID SOUTHERLY EXTENSION, A DISTANCE OF 22.56 FEET FOR A POINT OF BEGINNING; THENCE S89°59'06"W, A DISTANCE OF 129.43 FEET; THENCE N00°00'54"W, A DISTANCE OF 65.60 FEET TO THE OCCUPIED SOUTH LINE OF McCOLLUM'S LAKE SUBDIVISION AS RECORDED IN PLAT BOOK 7, PAGE 49, PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA; THENCE N89°59'06"E, ALONG SAID LINE, A DISTANCE OF 129.33 FEET TO THE SAID WEST RIGHT-OF-WAY OF 27TH STREET WEST; THENCE S00°05'43"E, A DISTANCE OF 65.60 FEET, TO THE POINT OF BEGINNING.



FLORIDA DEPARTMENT *of* STATE

RON DESANTIS
Governor

LAUREL M. LEE
Secretary of State

January 7, 2022

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

Attention: Vicki Tessmer

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-21-01(P), which was filed in this office on January 6, 2022.

Sincerely,

Anya Owens
Program Administrator

AO/lb