

## Manatee County Ordinance

### **PDR-22-25(P) – CNL ELLENTON ERIE, LLC (OWNER) – TIMBERLY PHASE**

#### **III – PLN2208-0108**

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, REGARDING LAND DEVELOPMENT, APPROVING A PRELIMINARY SITE PLAN FOR FIVE (5) MULTI-FAMILY BUILDINGS TO INCLUDE 217 MULTI-FAMILY RESIDENTIAL UNITS AND ASSOCIATED INFRASTRUCTURE FOR PROPERTY ZONED PDR (PLANNED DEVELOPMENT RESIDENTIAL) ON APPROXIMATELY 13.62 ACRES, GENERALLY LOCATED ON THE SOUTH SIDE OF US 301 AND WEST OF 96<sup>TH</sup> AVENUE EAST (FOY ROAD), PARRISH (MANATEE COUNTY); SUBJECT TO STIPULATIONS AS CONDITIONS OF APPROVAL; SETTING FORTH FINDINGS; PROVIDING A LEGAL DESCRIPTION; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

**WHEREAS**, (the “Applicant”) filed an application for a Preliminary Site Plan for five (5) multi-family buildings to include 217 multi-family residential units and associated infrastructure on approximately 13.62 acres as described in Exhibit “A”, attached hereto, (the “Property”); and

**WHEREAS**, the Manatee County Planning Commission, after due public notice, held a public hearing on to consider the Preliminary Site Plan application 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 application 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 a public hearing on August 24, 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.

**Section 2. PRELIMINARY SITE PLAN.** The Preliminary Site Plan is hereby approved for five (5) multi-family buildings to include 217 multi-family residential units and associated infrastructure upon the property subject to the following Stipulations:

**A. DESIGN AND LAND USE**

1. Any significant historical or archaeological resource discovered during development activities shall be immediately reported to the Florida Division of Historical Resources and treatment of such resources shall be determined in cooperation with the Division of Historical Resources and Manatee County. Treatment of the 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 (Offences Concerning Dead Bodies and Graves) shall be followed.
2. Proposed residential buildings shall be in general compliance with the elevations provided by the applicant as Exhibit "B" that is part of the approval ordinance and shall meet the requirements of Land Development Code Section 401.5 (Building Height Compatibility) and a maximum height of four-stories.
3. All roof mounted HVAC equipment, loading zones, and dumpsters shall be screened from view of 60th Avenue East and surrounding properties (including internal parcels). Screening shall be approved at the Final Site Plan stage. The screening options include:
  - Materials that are consistent with the exterior finish of the structure; or
  - Landscaping meeting 60 percent opacity; or
  - Opaque fencing materials.

**B. ENVIRONMENTAL**

1. All other applicable state or federal permits shall be obtained prior to commencement of development.
2. There are no impacts to jurisdictional wetlands or wetland buffers being approved by the adoption of this Ordinance.
3. 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.
4. 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:

- 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.
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. DEVELOPMENT REVIEW**

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. Such off-site extension 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.

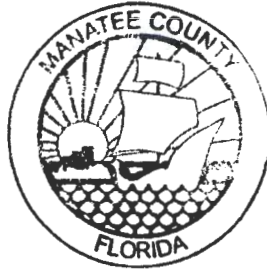
**Section 3. SEVERABILITY.** If any section, sentence, clause, or other provision of this Ordinance shall be held to be invalid or unconstitutional by a court of competent jurisdiction, such section, sentence, clause, or provision shall be deemed severable, and such invalidity or unconstitutionality shall not be construed as to render invalid or unconstitutional the remaining sections, sentences, clauses, or provisions of this Ordinance.

**Section 4. 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 5. 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 6. 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 24<sup>th</sup> day of August 2023.



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

BY:   
Kevin Van Ostenbridge, Chairman

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

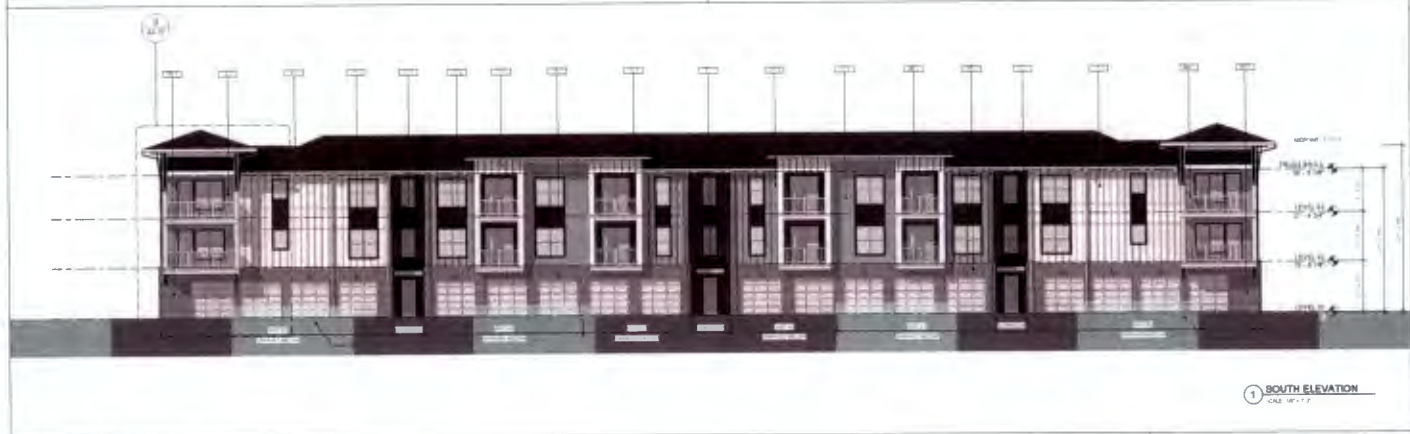
BY:   
Deputy Clerk



**Exhibit "A"**

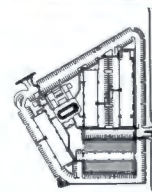
**Legal Description**

COMMENCE AT THE SOUTHEAST CORNER OF SECTION 2; THENCE N 00° 02' 23" E ALONG THE EAST LINE OF SAID SECTION 2 A DISTANCE OF 1136.96 FEET; THENCE N 89° 57' 37" W A DISTANCE OF 20.57 FEET TO THE INTERSECTION WITH THE WESTERLY MAINTAINED R/W/L OF FOY ROAD (96TH AVE E) ALSO BEING THE POINT OF BEGINNING; THENCE N 89° 38' 00" W A DISTANCE OF 511.69 FEET; THENCE S 68° 16' 00" W A DISTANCE OF 482.41 FEET; THENCE N 21 °44' 00" W A DISTANCE OF 389.32 FEET TO THE INTERSECTION WITH THE SOUTHERLY R/W/L OF US 301 (SR43); THENCE N 60° 14'01" E ALONG SAID SOUTHERLY R/W/L A DISTANCE OF 1,277.83 FEET TO THE POINT OF INTERSECTION WITH THE AFORESAID WESTERLY MAINTAINED R/W/L OF FOY RD. (96TH AVE E); THENCE S 00° 22' 02" W ALONG SAID WESTERLY MAINTAINED R/W/L A DISTANCE OF 820.71 FEET TO THE POINT OF BEGINNING. LYING IN AND BEING IN SECTION. 2 TOWNSHIP 34 SOUTH, RANGE 18 EAST, MANATEE COUNTY, FLORIDA.



EXTERIOR FINISHES			
NO.	DESCRIPTION	MANUFACTURER	QUANTITY
1	BRICK	CLAYCO	1000
2	CONCRETE	CONCRETE	1000
3	GLASS	GLASS	1000
4	WOOD	WOOD	1000
5	ROOFING	ROOFING	1000
6	PAINT	PAINT	1000
7	LANDSCAPE	LANDSCAPE	1000
8	MECHANICAL	MECHANICAL	1000
9	ELECTRICAL	ELECTRICAL	1000
10	PLUMBING	PLUMBING	1000
11	HEATING	HEATING	1000
12	Cooling	Cooling	1000
13	Lighting	Lighting	1000
14	Security	Security	1000
15	Accessibility	Accessibility	1000
16	Fire Safety	Fire Safety	1000
17	Sound	Sound	1000
18	Energy	Energy	1000
19	Water	Water	1000
20	Air	Air	1000

KEY PLAN



**DYNAMIK**  
DESIGN

1801 RICHMOND PARKWAY, SUITE 200  
BETHESDA, MD 20814  
TEL: 301.279.1234  
FAX: 301.279.1235  
WWW.DYNAMIKDESIGN.COM

CONSULT

SCALE

PROJECT NUMBER: C42000-03  
PROJECT NAME: ELLENTON MULTIFAMILY  
CLIENT: CASTO

DESIGNED BY: J. J. JONES  
CHECKED BY: J. J. JONES  
DATE: 10/1/11

NO.	DESCRIPTION	DATE
1	REVISION	10/1/11
2	REVISION	10/1/11
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6	REVISION	10/1/11
7	REVISION	10/1/11
8	REVISION	10/1/11
9	REVISION	10/1/11
10	REVISION	10/1/11

TITLE  
BLDG 1000/2000 -  
ENLARGED  
ELEVATIONS

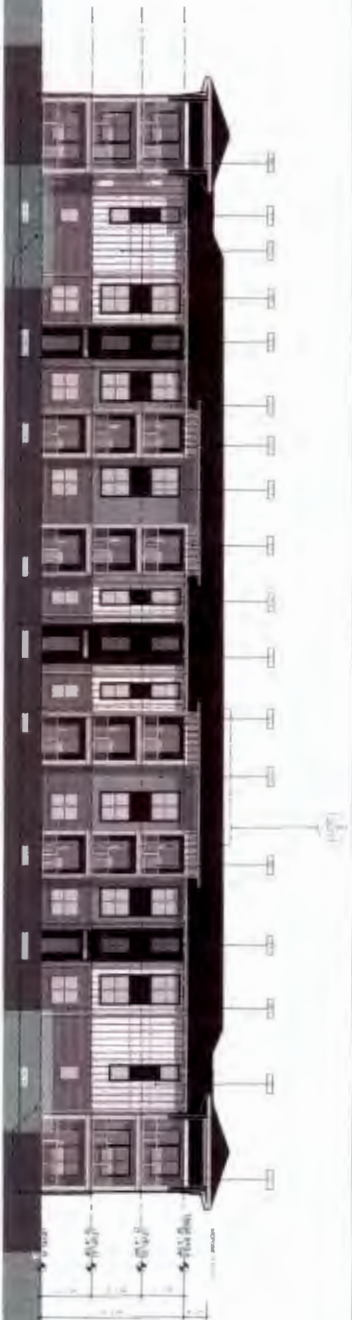
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A4-11

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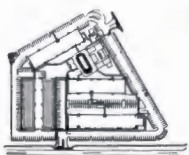


2 WEST ELEVATION



1 NORTH ELEVATION

KEY PLAN



NO.	DESCRIPTION	DATE	BY
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19	REVISION	11/11/11	11/11/11
20	REVISION	11/11/11	11/11/11

**DYNAMIK**  
DESIGN

1811 PEACHTREE DUNWOODY RD  
DUNWOODY, GA 30329  
ATLANTA, GA 30329  
TELEPHONE: 404-855-8554  
DYNAMIKDESIGN.COM

CONSULTANT

REAL

210 BAY CHATHAM CT  
SUITE 201  
GARY, IN 46311

ELLENTON MULTIFAMILY



PROJECT NUMBER: CA2022-01

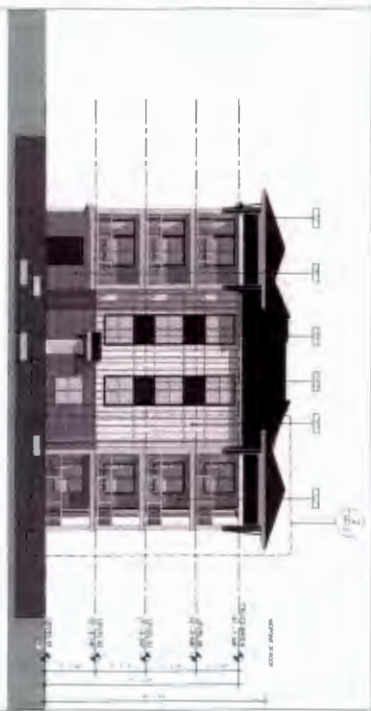
CLIENT

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BUILDING 10000000 -  
ENLARGED  
ELEVATIONS

AA-12

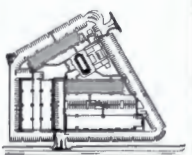
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2 EAST ELEVATION  
DATE: 07-11-19



1 SOUTH ELEVATION  
DATE: 07-11-19



KEY PLAN

**EXISTING CONDITIONS**

NO.	DESCRIPTION	DATE	BY
1	EXISTING CONDITIONS	07-11-19	JD

**DYNAMIK**  
DESIGN

1801 PEACHTREE CLIMBWAY RD  
SUITE 200  
ATLANTA, GA 30309  
TELEPHONE 404-888-8888  
DYNAMIKDESIGN.COM

CONSULTANT

SEAL

PROJECT NUMBER: CAE2023-03

**ELLEMENTON MULTIFAMILY**

CLIENT: **CASTO**

310 BAY CHIMNEY ST  
SUITE 301  
CARY, NC 27513

06/11/2019  
FARMER, FL 34119

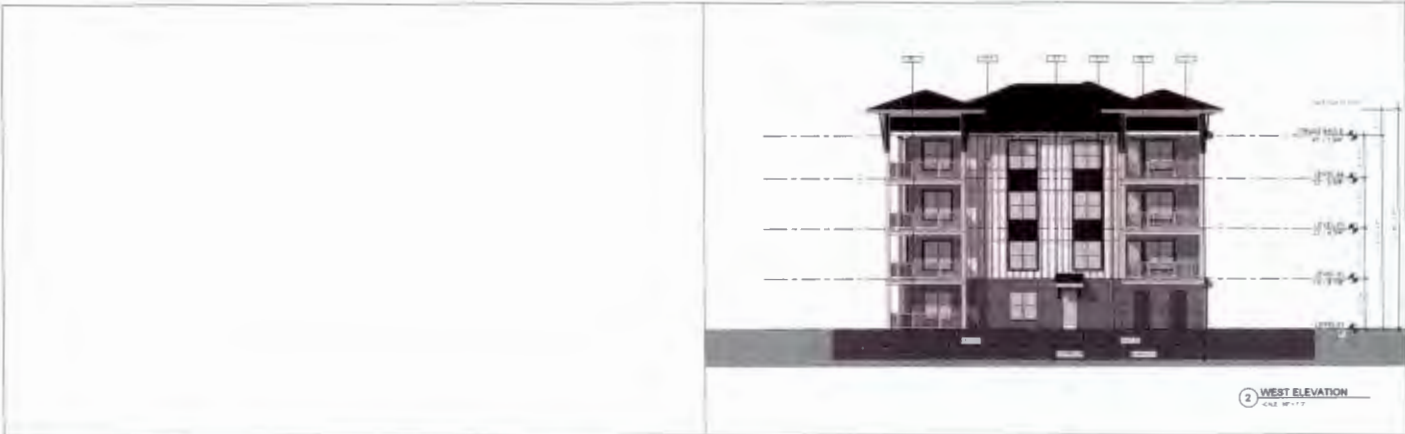
**REVISIONS**

NO.	DESCRIPTION	DATE	BY
1	REVISIONS	07-11-19	JD

**BLDG 3000/4000 - ENLARGED ELEVATIONS**

**A4-21**

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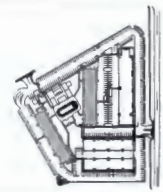
2 WEST ELEVATION  
SCALE 1/8" = 1'-0"



1 NORTH ELEVATION  
SCALE 1/8" = 1'-0"

EXTERIOR FINISHES			
NO.	DESCRIPTION	MANUFACTURER	QUANTITY
1	BRICK		
2	CONCRETE		
3	GLASS		
4	WOOD		
5	ROOFING		
6	PAINT		
7	LANDSCAPE		
8	MECHANICAL		
9	ELECTRICAL		
10	PLUMBING		
11	HEATING		
12	Cooling		
13	Lighting		
14	Security		
15	Accessibility		
16	Other		

KEY PLAN



**DYNAMIK**  
DESIGN

1000 W. 10TH STREET, SUITE 100  
DENVER, CO 80202  
TEL: 303.733.1111  
WWW.DYNAMIKDESIGN.COM

CONSULTANT

MAIL

PROJECT NO. 10118

ELLENTON MULTIFAMILY

CURB

NO.	REVISION	DATE	BY	CHKD.
1	ISSUED FOR PERMIT	01/11/18	JD	JD
2	ISSUED FOR CONSTRUCTION	01/11/18	JD	JD
3	ISSUED FOR AS-BUILT	01/11/18	JD	JD

TITLE  
BLDG 3000/4000 -  
ENLARGED  
ELEVATIONS

SHEET NUMBER

A4-22

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# DYNAMIK

DESIGN

3800 PACIFIC BLVD, SUITE 200  
IRVINE, CA 92614  
TEL: 949.261.1111  
WWW.DYNAMIKDESIGN.COM

PROJECT NUMBER: CASH00143

CLIENT: ELLENTON MULTIFAMILY

ARCHITECT: CASTO

DATE: 01.10.2019

DESIGNER: J. J. J. J.

DATE: 01.10.2019

TITLE: BLDG 5000 - OVERALL ELEVATIONS

SHEET NUMBER: A4-31

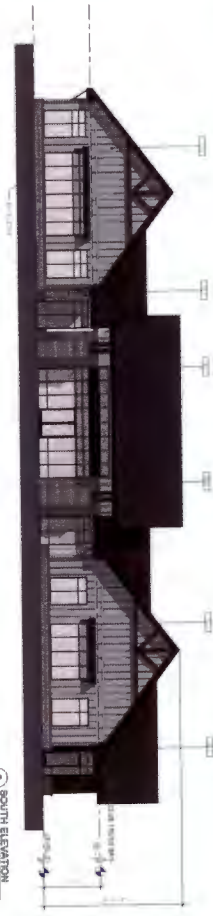
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4 EAST ELEVATION  
Scale 1/8" = 1'-0"



3 WEST ELEVATION  
Scale 1/8" = 1'-0"



2 SOUTH ELEVATION  
Scale 1/8" = 1'-0"

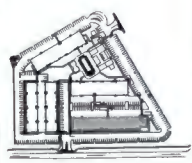


1 NORTH ELEVATION  
Scale 1/8" = 1'-0"

REVISIONS

NO.	DESCRIPTION	DATE	BY	CHKD.
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3	REVISION	02/20/2018	JM	JD
4	REVISION	02/20/2018	JM	JD
5	REVISION	02/20/2018	JM	JD
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8	REVISION	02/20/2018	JM	JD
9	REVISION	02/20/2018	JM	JD
10	REVISION	02/20/2018	JM	JD

KEY PLAN



**DYNAMIK**  
DESIGN

8008 PEACHTREE DUNWOODY RD  
BUILDING C, SUITE 200  
ATLANTA, GA 30328  
TELEPHONE 478 554-4625  
DYNAMIKDESIGN.COM

CORRECTOR

SEAL

215 EAST CHATHAM ST  
SUITE 201  
CARY, NC 27511

PROJECT NUMBER: CAS2022-01  
**ELLENTON MULTIFAMILY**

CLUB? **CASTO**

PROJECT NUMBER: CAS2022-01  
**CLUBHOUSE - ENLARGED ELEVATIONS**

SHEET NUMBER: **A4-41**

DATE: 02/20/2018  
BY: JM  
CHKD: JD

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## FLORIDA DEPARTMENT *of* STATE

**RON DESANTIS**  
Governor

**CORD BYRD**  
Secretary of State

August 28, 2023

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

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-22-25(P), which was filed in this office on August 28, 2023.

Sincerely,

Anya Owens  
Administrative Code and Register Director

ACO/wlh