

MANATEE COUNTY ORDINANCE
PDMU-12-04(P) – THE PRESERVE AT WALDEN LAKE dba ROYAL PALM TOWNHOUSES
(DTS#20140115)

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, REGARDING LAND DEVELOPMENT, APPROVING A PRELIMINARY SITE PLAN FOR 216 MULTI-FAMILY UNITS, A CLUBHOUSE, GYM, GARAGE, MAINTENANCE AND STORAGE BUILDINGS, AND A MAIL KIOSK BUILDING ON APPROXIMATELY 38.49 ACRES ZONED PDMU (PLANNED DEVELOPMENT MIXED USE). THE SITE IS ON THE EAST SIDE OF US 301, AND WEST SIDE OF 33RD STREET EAST, APPROXIMATELY 1,008 FEET SOUTH OF S.R.70, BRADENTON; SUBJECT TO STIPULATIONS AS CONDITIONS OF APPROVAL; SETTING FORTH FINDINGS; PROVIDING A LEGAL DESCRIPTION; PROVIDING FOR SEVERABILITY, AND PROVIDING AN EFFECTIVE DATE.

If approved, this request will supersede all previous Final Site Plan approvals.

WHEREAS, Royal Palm, LLC (the “Applicant”) filed an application for a Preliminary Site Plan for 216 multi-family units, a clubhouse, gym, garage, maintenance and storage building, and a mail kiosk on approximately 38.49 acres zoned PDMU (Planned Development Mixed Use) described in Exhibit “A”, attached hereto, (the “Property”) and

WHEREAS, the applicant also filed a request for Special Approval for a project: 1) adjacent to a perennial stream and 2) exceeding a net density of nine dwelling units per acre in the RES-9 Future Land Use Category (FLUC); and

WHEREAS, the applicant also filed a request for Specific Approval of an alternative to Land Development Code Section 714.8.7 (tree replacement sizes) and 715.3.2-#2 (chain link fence); and

WHEREAS, the Building and Development Services Department staff recommended approval of the Preliminary Site Plan, Special Approval and Specific Approval applications subject to the stipulations contained in the staff report; and

WHEREAS, the request will supersede all previous Final Site Plan approval; and

WHEREAS, the Manatee County Planning Commission, after due public notice, held a public hearing on August 14, 2014 to consider the Preliminary Site Plan, Special Approval 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 Preliminary Site Plan, Special Approval and Specific Approval applications consistent with the Manatee County Comprehensive Plan, and the Manatee County Land Development Code, recommended approval subject to the stipulations contained 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, Special Approval and Specific Approval as it relates to the real property described in Exhibit "A" of this Ordinance.
- B. The Board of County Commissioners held duly a noticed public hearing on September 4, 2014 regarding the proposed amended Ordinance described herein in accordance with the requirements of the Manatee County Land Development Code and has further considered the information received at the public hearing.
- C. The proposed revised Ordinance regarding the property described in Exhibit "A" herein is found to be consistent with the requirements of the Manatee County Comprehensive Plan.
- D. The Board finds that the purpose of the Special Approval regulation is satisfied by the analysis provided in the staff report and proposed design which indicates the proposed project will have no significant detrimental impacts on natural resources, adjacent land uses, or public facilities.
- E. Notwithstanding the failure of this plan to comply with the requirements of LDC Section 714.8.7, the Board finds that the purpose of the LDC regulation is satisfied to an equivalent degree by the proposed design because the required number of trees and canopy will be provided.
- F. Notwithstanding the failure of this plan to comply with the requirements of LDC Section 715.3.2 - #2, the Board finds that the purpose of the LDC regulation is satisfied to an equivalent degree by the proposed design because the chain link fence will provide security.

Section 2. PRELIMINARY SITE PLAN. The revised Preliminary Site Plan is hereby approved for 216 multi-family units, a clubhouse, gym, garage, maintenance and storage building, and a mail kiosk subject to the following Stipulations:

STIPULATIONS

A. DESIGN AND LAND USE CONDITIONS:

- 1. Any gates or emergency access points within the project shall be accessible to emergency providers by either a remote control or siren activated system in accordance with Manatee County Ordinance 04-30. Prior to Final Site Plan approval, the applicant

shall receive written approval from EMS and the Fire Marshal approving the proposed system.

2. The entrance to the south shall be utilized as a full emergency access and a means of egress for residents and visitors.
3. The design of the buildings shall be in substantial conformance with the elevations presented at the Planning Commission and Board of County Commission hearings. A design alternative may be approved administratively upon the applicant submitting building elevations to the satisfaction of the Building and Development Services Department Director, demonstrating the intent of the PDMU District is satisfied to an equal or greater degree.
4. There shall be no pedestrian or vehicular access connection to the existing inter-neighborhood tie to Briarwood Subdivision to the south.
5. All other applicable state or federal permits shall be obtained before commencement of the development.
6. The approval of this Preliminary Site Plan supersedes all other previous final site plan approvals.
7. A meandering fence shall be placed in the 50-foot wide buffer connecting to the west side of the proposed wall and extending westward to the western boundary of the site. The fence is to be placed as north as possible, yet south of the walking trail, with maximum cooperation with neighbors.

B. STORMWATER CONDITIONS:

1. This project shall be required to reduce the calculated pre-development flow rate by a full fifty percent (50%) for all stormwater outfall flow directly or indirectly into Pearce Drain. Modeling shall be used to determine pre- and post- development flows.
2. Any fill within the 100-year floodplains of the Collins Dairy Drain 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).
3. A Drainage Easement shall be dedicated to Manatee County and be shown on the Final Site Plan along Collins Dairy Drain within the project boundaries. In addition, a twenty-five (25) foot wide Drainage-Maintenance Access Easement shall be provided along the south side of the drain. Drainage-Maintenance Access Easements shall be on clear and level ground, free of obstructions including landscaping. Landscaping/Greenbelt Buffers shall be located outside of the Drainage-Maintenance and Access Easement. Manatee County is only responsible for maintaining the free flow of drainage through these systems.

C. ENVIRONMENTAL CONDITIONS:

1. The developer shall provide an updated study, consistent with Policy 3.3.2.3 of the Comprehensive Plan, for threatened and endangered plant and animal species prior to Final Site Plan approval.
2. Existing native vegetation located within any required landscape buffer shall be preserved to the greatest extent possible. There shall be no new overhead or underground power lines, swales, or stormwater facilities within any proposed landscape buffer containing desirable native vegetation with the exception of limited crossings.
3. Tree barricades for trees to be preserved shall be located at the drip line, unless approved by the Environmental Planning Division. The drip line shall be defined as the outer branch edge of the tree canopy. The area within the drip line shall remain undisturbed. The following activities are prohibited within the drip line of preserved trees: machinery and vehicle travel or parking; underground utilities; filling or excavation; storage of construction materials. Tree protection methodology shall be approved with the Final Site Plan.
4. A Construction Water Quality Monitoring Program and proposed sampling locations are required to be included in the ESCP information on the Final Site Plan in accordance with Section 519 of the LDC.
5. If wells are located on-site a Well Management Plan for the proper protection and abandonment of existing wells shall be submitted to the Environmental Planning Division for review and approval prior to Final Site Plan approval. 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.

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 other 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 this 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 5. 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 4th day of September, 2014.

**BY: BOARD OF COUNTY
COMMISSIONERS
MANATEE COUNTY, FLORIDA**

**BY: _____
Larry Bustle, Chairman**

**ATTEST: R. B. SHORE
Clerk of the Circuit Court**

**BY: _____
Deputy Clerk**

EXHIBIT "A"
LEGAL DESCRIPTION

COMMENCE AT THE NORTHEAST CORNER OF THE N.W. ¼ OF SECTION 17, TOWNSHIP 35 SOUTH, RANGE 18 EAST, MANATEE COUNTY, FLORIDA; THENCE S.00°05'36"E., ALONG THE EAST LINE OF SAID N. W. ¼ A DISTANCE OF 1997.95 FEET TO THE NORTHEAST CORNER OF THE SOUTH ¼ OF SAID N.W. ¼; THENCE S. 89°50'15"W., ALONG THE NORTH LINE OF SAID SOUTH ¼ OF THE N.W. ¼, A DISTANCE OF 50.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE, S.89°50'15" W., ALONG SAID NORTH LINE, A DISTANCE OF 2573.72 FEET TO AN INTERSECTION WITH THE EASTERLY LIMITED ACCESS RIGHT OF WAY LINE OF U.S. HIGHWAY 301; THENCE NORTHERLY ALONG SAID EASTERLY LIMITED ACCESS RIGHT OF WAY LINE THE FOLLOWING TWO (2) COURSES: (1) N.06°25'14"E., A DISTANCE OF 126.75 FEET; (2) N.00°59'38"E., A DISTANCE OF 200.16 FEET TO AN INTERSECTION WITH THE APPROXIMATE CENTERLINE OF COLLINS DAIRY DRAIN; THENCE EASTERLY ALONG SAID CENTERLINE OF THE FOLLOWING EIGHT (8) COURSES: (1) N.77°34'11"E, A DISTANCE OF 105.00 FEET; (2) N.61°40'12" E., A DISTANCE OF 249.68 FEET; (3) S.89°36'24"E., A DISTANCE OF 198.44 FEET; (4) N.81°17'39"E., A DISTANCE OF 201.59 FEET; (5) S.88°48'18"E., A DISTANCE OF 293.11 FEET; (6) N.82°07'13"E., A DISTANCE OF 519.61 FEET; (7) N.58°19'14"E., A DISTANCE OF 43.89 FEET; (8) N.61°46'06"E., A DISTANCE 64.73 FEET; THENCE N.10°15'00"E., A DISTANCE OF 98.08 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE RIGHT HAVING A RADIUS OF 105.00 FEET; THENCE NORTHEASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 58°51'00", A DISTANCE OF 109.68 FEET TO A POINT OF TANGENCY; THENCE N.70°43'00"E., A DISTANCE OF 303.99 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE RIGHT HAVING A RADIUS OF 500.00 FEET; THENCE EASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 05°00'36", A DISTANCE OF 43.72 FEET; THENCE N.00°12'34"W., A DISTANCE OF 169.70 FEET; THENCE N.89°07'40" E., A DISTANCE OF 517.13 FEET TO AN INTERSECTION WITH THE WESTERLY RIGHT OF WAY LINE OF 33RD STREET EAST; THENCE S.00°05'36"E., ALONG SAID WESTERLY RIGHT OF WAY LINE, A DISTANCE OF 1074.03 FEET TO THE POINT OF BEGINNING LYING AND BEING IN SECTION 17, TOWNSHIP 33 SOUTH, RANGE 18 EAST, MANATEE COUNTY, FLORIDA

SUBJECT TO PERTINENT EASEMENTS, RIGHTS OF WAY AND RESTRICTIONS OF RECORD

CONTAINING 38.49 ACRES MORE OR LESS.