

MANATEE COUNTY GOVERNMENT AGENDA MEMORANDUM

SUBJECT	Ordinance 11-30 Sexually Oriented Businesses	TYPE AGENDA ITEM	Advertised Public Hearing – Consent
DATE REQUESTED	10/13/11 PC	DATE SUBMITTED/REVISED	10/05/11
BRIEFINGS? Who?	None	CONSEQUENCES IF DEFERRED	N/A
DEPARTMENT/DIVISION	Building and Development Services / Comprehensive Planning and Public Hearings	AUTHORIZED BY TITLE	John Osborne, AICP, Planning and Zoning Official
CONTACT PERSON TELEPHONE/EXTENSION	John Osborne / 748-4501 ext. 6825	PRESENTER/TITLE TELEPHONE/EXTENSION	John Osborne, AICP/Planning and Zoning Official / 748-4501 ext. 6825
ADMINISTRATIVE APPROVAL			

ACTION DESIRED INDICATE WHETHER 1) REPORT; 2) DISCUSSION; 3) FORM OF MOTION; OR 4) OTHER ACTION REQUIRED
I move to continue the public hearing for Ordinance 11-30 to November 10, 2011 at 9:00 a.m., or as soon thereafter as same may be heard at the Manatee County Government Administrative Center, 1 st Floor Chambers.

ENABLING/REGULATING AUTHORITY Federal/State law(s), administrative ruling(s), Manatee County Comp Plan/Land Development Code, ordinances, resolutions, policy
Manatee County Comprehensive Plan and Manatee County Land Development Code.

BACKGROUND/DISCUSSION
• N/A

COUNTY ATTORNEY REVIEW	
Check appropriate box	
<input type="checkbox"/>	REVIEWED Written Comments: <input type="checkbox"/> Attached <input type="checkbox"/> Available from Attorney (Attorney's initials: _____)
<input checked="" type="checkbox"/>	NOT REVIEWED (No apparent legal issues.)
<input type="checkbox"/>	NOT REVIEWED (Utilizes exact form or procedure previously approved by CAO.)
<input type="checkbox"/>	OTHER

ATTACHMENTS: (List in order as attached)		INSTRUCTIONS TO BOARD RECORDS:	
n/a		n/a	
COST:	n/a	SOURCE (ACCT # & NAME):	n/a
COMMENTS:		AMT./FREQ. OF RECURRING COSTS: (ATTACH FISCAL IMPACT STATEMENT)	

MANATEE COUNTY GOVERNMENT

AGENDA MEMORANDUM

SUBJECT	PDMU-92-01(G)(R13) – Schroeder-Manatee Ranch, Inc. (University Lakes DRI#22)	TYPE AGENDA ITEM	Advertised Public Hearing – Consent
DATE REQUESTED	10/13/11 PC	DATE SUBMITTED/REVISED	10/04/11
BRIEFINGS? Who?	None	CONSEQUENCES IF DEFERRED	N/A
DEPARTMENT/DIVISION	Building & Development Services/Comprehensive Planning and Public Hearings	AUTHORIZED BY TITLE	John Osborne, AICP, Planning and Zoning Official JO
CONTACT PERSON TELEPHONE/EXTENSION	Katie LaBarr / Ext. 6828	PRESENTER/TITLE TELEPHONE/EXTENSION	Katie LaBarr / Principal Planner / Ext. 6828
ADMINISTRATIVE APPROVAL			

ACTION DESIRED INDICATE WHETHER 1) REPORT; 2) DISCUSSION; 3) FORM OF MOTION; OR 4) OTHER ACTION REQUIRED
I move to recommend APPROVAL of PDMU-92-01(G)(R13) per the recommended motion in the staff report attached to this memo.

ENABLING/REGULATING AUTHORITY Federal/State law(s), administrative ruling(s), Manatee County Comp Plan/Land Development Code, ordinances, resolutions, policy
Manatee County Comprehensive Plan and Manatee County Land Development Code.

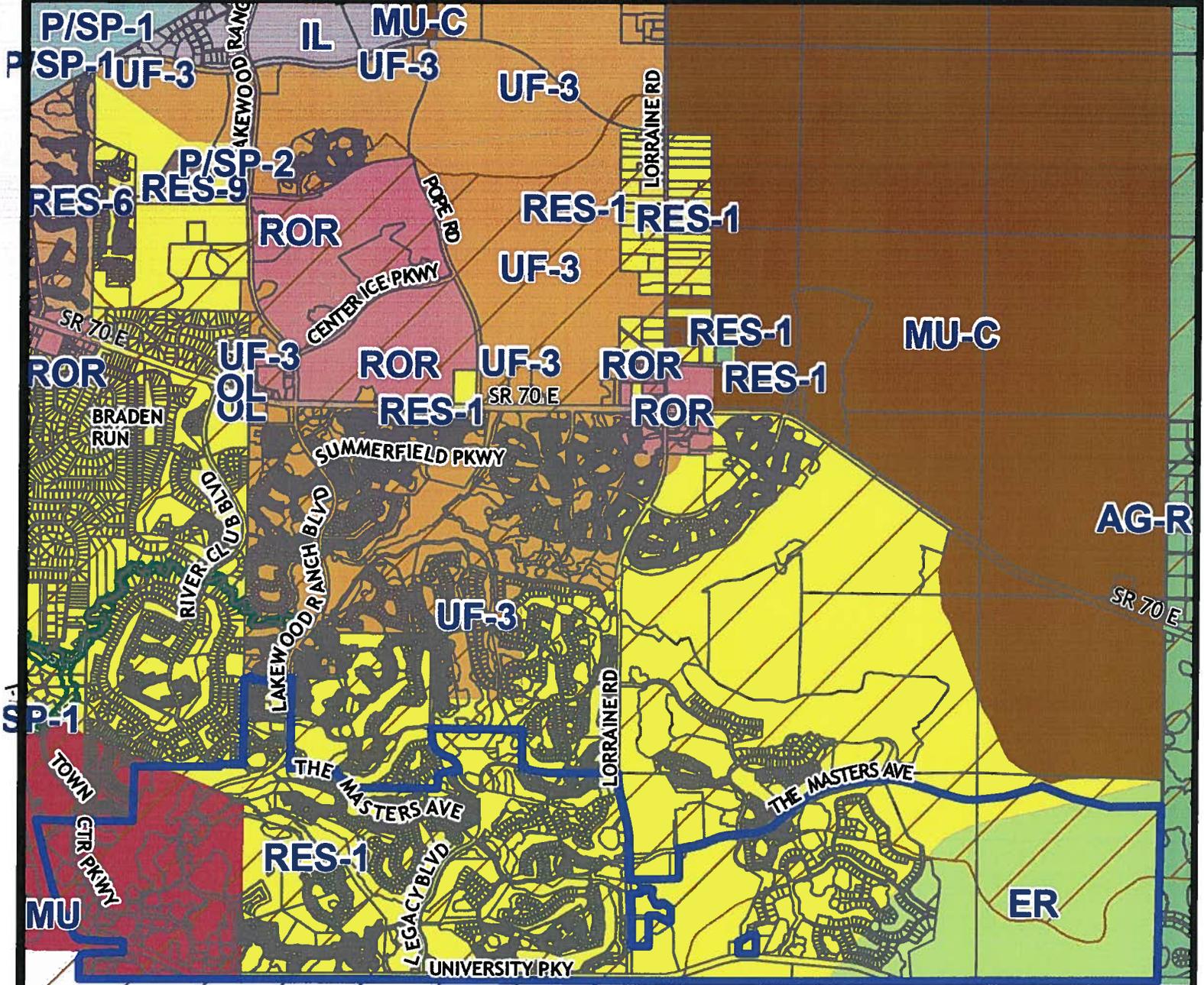
BACKGROUND/DISCUSSION
<ul style="list-style-type: none"> • This is a revised Zoning Ordinance involving the reallocation of 100 multi-family units from Parcel 53 (east of Lorraine Rd.) to Parcel 15 (north of Lakewood Ranch Hospital), 16,791 square feet of non-residential square footage from Parcel 15 to Parcel 4/5 (northeast of I-75 interchange), and 255 hotel rooms from Parcel 15 to Parcel 4/5. • The applicant also proposes revisions to Stipulation Q.1 of the Zoning Ordinance to address architectural design restrictions for Parcel 15. • The applicant and staff are in agreement on the revisions to Stipulation Q.1. • Staff recommends approval of the request.

COUNTY ATTORNEY REVIEW	
Check appropriate box	
<input type="checkbox"/>	REVIEWED Written Comments: <input type="checkbox"/> Attached <input checked="" type="checkbox"/> Available from Attorney (Attorney's initials: S.A.S.)
<input checked="" type="checkbox"/>	NOT REVIEWED (No apparent legal issues.)
<input type="checkbox"/>	NOT REVIEWED (Utilizes exact form or procedure previously approved by CAO.)
<input type="checkbox"/>	OTHER

ATTACHMENTS: (List in order as attached)		INSTRUCTIONS TO BOARD RECORDS:	
Staff report		n/a	
COST:	n/a	SOURCE (ACCT # & NAME):	n/a

COMMENTS:		AMT./FREQ. OF RECURRING COSTS: (ATTACH FISCAL IMPACT STATEMENT)	
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FUTURE LAND USE



Parcel ID #(s) Multiple

Project Name: University Lakes GDP Modification
 Project #: PDMU-92-01 (G)(R13)
 DTS#: 20110273
 Proposed Use: Mixed Use

S/T/R: Sec 35,25,0,34,31,36 Twn 0,35 Rng 2,2,0,20,19
 Acreage: ± 4,101.2
 Existing Zoning: PD-MU
 Existing FLU: MU, RES-1, ER
 Overlays: ST
 Special Areas: Greenway

CHH: NONE
 Watershed: WPE
 Drainage Basin: COW PEN SLOUGH, COOPER CREEK,
 Commissioner: Donna Hayes

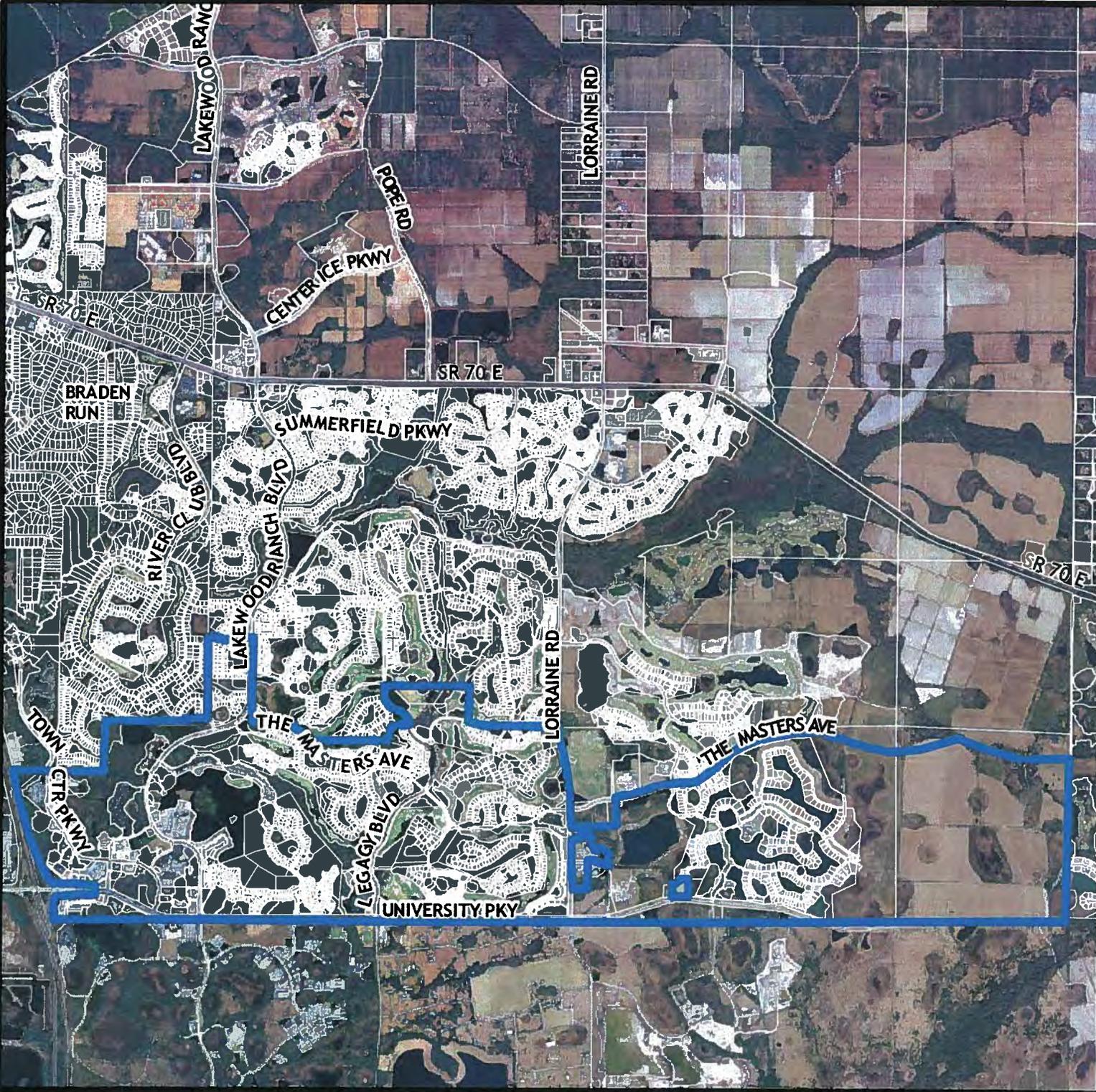


Manatee County
 Staff Report Map
 Map Prepared 9/27/2011
 1 inch = 4,233 feet

Overlays

Evers Watershed (WPE)

AERIAL



Parcel ID #(s) Multiple

Project Name: University Lakes GDP Modification
 Project #: PDMU-92-01 (G)(R13)
 DTS#: 20110273
 Proposed Use: Mixed Use

S/T/R: Sec 35,25,0,34,31,36 Twn 0,35 Rng 2,2,0,20,19
 Acreage: ± 4,101.2
 Existing Zoning: PD-MU
 Existing FLU: MU, RES-1, ER
 Overlays: ST
 Special Areas: Greenway

CHH: NONE
 Watershed: WPE
 Drainage Basin: COW PEN SLOUGH, COOPER CREEK,
 Commissioner: Donna Hayes



Manatee County
 Staff Report Map
 Map Prepared 9/27/2011
 1 inch = 4,233 feet

P.C. 10/13/11

PDMU-92-01(G)(R13) - SCHROEDER-MANATEE RANCH, INC.
(UNIVERSITY LAKES DRI #22)

An Ordinance of the Board of County Commissioners of Manatee County, Florida, approving a revised Zoning Ordinance and General Development Plan to:

1. Reallocate 100 multi-family units from Parcel 53 to Parcel 15;
2. Reallocate 16,791 square feet of non-residential sq. ft. from Parcel 15 to Parcel 4/5;
3. Reallocate 255 hotel rooms from Parcel 15 to Parcel 4/5;
4. Amend Note 2(e) of the GDP regarding architectural design restrictions for Parcel 15;
5. Amend Stipulation Q.(1) of the Zoning Ordinance regarding architectural design restrictions for Parcel 15; and
6. Other minor amendments as necessary.

The Ordinance amends Ordinance No. PDMU-92-01(Z)(G)(R12) as amended; setting forth findings; providing a legal description; providing for severability, and an effective date.

University Lakes is at the northeast intersection of the University Parkway and I-75 interchange, south of SR70, north of University Parkway, and east of I-75 to the current boundary at three miles east of Lorraine Road. The present zoning is PDMU/WP-E/ST (Planned Development Mixed Use / Evers Reservoir Watershed Protection and Special Treatment Overlay District) (±4,101.2 acres).

App Received: 09/08/11

P.C.: 10/13/11

B.O.C.C.: 10/25/11

RECOMMENDED MOTION:

Based upon the staff report, evidence presented, comments made at the public hearing, and finding the request to be CONSISTENT with the Manatee County Comprehensive Plan and the Manatee County Land Development Code, as conditioned herein, I move to recommend ADOPTION of Manatee County Zoning Ordinance No. PDMU-92-01(G)(R13); APPROVAL of the revised General Development Plan; APPROVAL of the revisions to the Stipulations; for a project that was previously granted Special Approval: 1) for a project in the Evers Reservoir Watershed; 2) a Mixed Use project; and 3) a project adjacent to a perennial stream, as recommended by staff.

CASE SUMMARY

- CASE NO.:** PDMU-92-01(G)(R13)
- PROJECT:** University Lakes DRI
- APPLICANT:** Schroeder- Manatee Ranch, Inc.
- REQUEST:** Modify the Zoning Ordinance and General Development Plan (GDP) to:
- Reallocate 100 multi-family units from Parcel 53 to Parcel 15;
 - Reallocate 16,791 non-residential sq. ft. from Parcel 15 to Parcel 4/5;
 - Reallocate 255 hotel rooms from Parcel 15 to Parcel 4/5;
 - Amend Note 2(e) of the GDP regarding architectural design restrictions for Parcel 15;
 - Amend Stipulation Q.(1) of the Zoning Ordinance regarding architectural design restrictions for Parcel 15; and
 - Other minor amendments as necessary.

STAFF RECOMMENDS: Approval

REQUEST, LOCATIONAL INFORMATION, AND LAND USE CHARACTERISTICS

- The request is to reallocate hotel rooms, non-residential square footage, and multi-family units within the University Lakes General Development Plan (GDP) and to amend a stipulation regarding architectural design standards for Parcel 15 as shown on the GDP and outlined in the Zoning Ordinance. The request does not increase or change the character of approved entitlements for the DRI.
- University Lakes is on the north side of University Parkway, generally located between Interstate 75 and 3 miles east of Lorraine Road.
- To the NORTH is Cypress Banks DRI zoned PDMU/WP-E/ST, the Colonial Apartments and office development, and the River Club DRI zoned PDR/WP-E/ST.
- To the SOUTH are office and institutional uses in Sarasota County which fall under the approved Lakewood Ranch Corporate Park and the Villages of Lakewood Ranch South DRIs (Schroeder-Manatee Ranch, Inc. projects). Lakewood Ranch Corporate Park is an industrial and office DRI while the Villages of Lakewood Ranch South DRI is proposed primarily as a residential development.
- To the EAST is residential land presently known as The Concession zoned PDR/WP-E/ST.
- To the WEST, across Interstate 75, is commercial development (part of the Cooper Creek DRI) zoned PDMU/WP-E/ST.

SUMMARY: (KL)

The University Lakes Zoning Ordinance was originally approved on June 1, 1992 and first amended on October 28, 1993. The approved project consisted of a mixture of land uses, including residential, commercial, business (industrial and offices), and recreation on 2,352.7 acres.

On January 25, 1996, the Zoning Ordinance was amended to add 69.8 acres without increasing development totals.

On October 22, 1997, the Zoning Ordinance was amended to extend the buildout and expiration dates, modify the site plan, employ the land use tradeoff, and make other various changes.

On December 11, 1997, the Development Order was amended to allow a hospital use in Phase 2.

On October 27, 1998, the Zoning Ordinance was amended to allow a land use exchange to reduce industrial square footage and increase residential and commercial square footage.

On February 22, 2000, the Zoning Ordinance was amended to add an access point, modify land use entitlements, and other relevant changes.

On October 23, 2001, the Zoning Ordinance was amended to approve a land use exchange that decreased industrial and commercial square footage and increased office entitlements.

On December 18, 2001, the Zoning Ordinance was amended to modify land use entitlements to allow the addition of 300 hotel rooms.

On August 26, 2003, the Zoning Ordinance was amended to extend phasing dates, swap land with the Cypress Banks DRI, and other modifications.

On October 19, 2004, the Zoning Ordinance was amended to add 1,804.7 acres (east of Lorraine road); add ten access points for new internal roadways; increase 350 single-family detached dwelling units, decreased 450 hotel rooms, and other changes to acreages and entitlements.

On October 16, 2007, the Zoning Ordinance and General Development Plan were amended to increase hotel rooms by 450, amend locations and sizes of various development areas, and other changes as needed.

On August 7, 2008, the General Development Plan and Zoning Ordinance were amended to allow a land use exchange to increase General Commercial square footage by 105,928 sq. ft.; decrease 32 single family detached dwelling units; decrease 70 multi-family dwelling units; decrease 39,803 sq. ft. of Neighborhood Commercial; and 226, 908 sq. ft. of Office, and other changes as needed.

On September 8, 2011 the applicant submitted the proposed amendment to the General Development Plan and Zoning Ordinance as detailed herein.

To date, the following have been completed, are under construction, or received some level of detailed site plan approval: 36 holes of the golf course; three clubhouses; 1,718 single-family lots, 1,148 multi-family units, a maintenance facility, swim and tennis center, 799,941 sq. ft. of office uses, 365 hotel rooms, a Town Hall, a residential care facility, daycare, and an information center. There is also a 120 bed hospital, 553,913 sq. ft. of commercial uses including a gas station, restaurants, banks and retail shops and 18,603 square feet of industrial uses.

POSITIVE ASPECTS OF THE APPLICATION

- There is no increase in density or intensity for the project and; therefore, no additional impacts.
- Additional multi-family dwelling units will be placed in close proximity to employment opportunities and commercial services reducing travel time and vehicle trips.
- There will be additional hotel rooms allocated to a parcel adjacent to I-75

NEGATIVE ASPECTS OF APPLICATION:

- There are no negative aspects to this request as there is no increase in density or intensity and no new impacts.

MITIGATING FACTORS

- n/a

PROPOSED AND AMENDED STIPULATIONS:

There are changes proposed to the footnote in Stipulation Q.(1).

Land Conditions

Q. (1) The setbacks and height for land uses shall be as follows:

USES	HEIGHT MAXIMUM ****	LOT WIDTH *	FRONT	SIDE	REAR
Single Family Detached	35 ft.	45+++ - 79 ft.	20/15ft.***/ 5 ft +++	6 ft.	15 ft./ 5 ft +++
Single Family Detached	35 ft.	80 or greater ft.	25/20 ft. ***/ 5 ft +++	8 ft.	15 ft./5 ft. +++
Zero Lot Line (SFD)	35 ft.	45 ft.	20/15 ft.***	0 ft./10 ft.**	15 ft.
Single Family Attached	35 ft.	35 ft./ 30 ft.+++	20/15 ft. ***/ 5 ft. +++	0/8 ft.+	15 ft./ 5 ft. +++
Single Family Semi-Detached	35 ft.	35 ft.	20/15 ft. ***	0/8 ft.+	15 ft.
Duplex	35 ft.	80 ft.	20/15 ft.***	8 ft.	15 ft.
Multi-Family	4 stories++		20 ft.	10 ft.	25 ft.
Commercial	35 ft.		40 ft.	15 ft.	20 ft.
Office/Hotel	10 stories		40 ft.	15 ft.	20 ft.
Industrial	6 stories		30 ft.	15 ft.	20 ft.
School, Park Recreation Center	35 ft.		25 ft.	15 ft.	15 ft.

* Minimum lot width is 45 ft. measured at setback line.

** Applies to one side (when one yard is measured at 0 feet the other yard must be ten feet), or end unit.

*** Front setback for units with side entry garages.

**** Section 702.5 of the Manatee County Land Development Code shall not apply to the maximum height of buildings within the University Lakes Project. In instances where structures are proposed adjacent to I-75, for each 1 foot of height over 35 feet, the setback from the I-75 right-of-way shall be increased by 1 foot. Structures which are proposed to be located within 200 feet from the Project* boundary on sites which are adjacent to off-site residential zoning or uses shall be limited to four stories. Structures which are proposed to be located within 400 feet of I-75 cannot exceed six stories.

+ Applies to end unit.

++ Five (5) stories allowed in Town Center parcel and Nine (9) stories allowed in Business Parcel 15. The structures on Business Parcel 15 shall be in substantial compliance with the graphics provided at the public hearing on October 16, 2007 or October 25, 2011. At time of Preliminary/Final Site Plan, if the applicant proposes elevations less than nine stories for Business Parcel 15 that are not in substantial compliance with the elevations entered into the Record, staff may review and administratively approve the new elevations, provided they are consistent with LDC Section 603.7.4.9, Building Height. The applicant may appeal staff's decision regarding the proposed elevations to the Board of County Commissioners at an advertised public hearing.

+++ For units south of University Parkway. Minimum lot width is 44 feet measured at setback line; however, in no instance shall flag lots be permitted.

DETAILED CASE REVIEW

PRIMARY REVIEWERS

Katie LaBarr	Compatibility, Timing, Health, Safety and Welfare, Consistency with LDC and Comp Plan, and Historic Resource Impacts
Mark Mayer (PW)	Impacts to Infrastructure (Utilities)
Tony Rodriguez (PD)	Impacts to Infrastructure (Transportation)
Joel Christian (PD)	Environmental Resource Impacts

DETAILED STAFF REVIEW OF THE GENERAL DEVELOPMENT PLAN STANDARDS

The site plan has addressed the General Development Plan (GDP) standards of the Land Development Code, Section 603.4, as follows:

These items will be addressed only for the changes which are proposed to the GDP.

1. SITE DESIGN

The existing GDP was approved with a mix of land uses including residential, commercial, business (office and industrial), and recreation.

This request simultaneously increases and decreases entitlements on three (3) parcels with no increase in entitlements or change in the mix of land uses. Each of the affected parcels is currently approved for the land uses now proposed. There are no site plan changes regarding access points, changes in parcel configuration or changes in land uses.

A list of the parcels proposed to be modified is shown below:

GDP Parcel #	Approved GDP Sq. Ft.	Proposed GDP Sq. Ft.	Difference (Units or Sq. Ft.)
Parcel 4/5	229,124 non-res sq. ft.	245,915 non-res sq. ft.	+16,791 non-res sq.ft.
	87 hotel rooms	342 hotel rooms	+255 hotel rooms
Parcel 15	200 MF units	300 MF units	+100 MF units
	27,291 non-res sq. ft.	10,500 non-res sq. ft.	-16,791 non-res sq. ft.
	405 hotel rooms	150 hotel rooms	-255 hotel rooms
Parcel 53	322 MF units	222 MF units	-100 MF units

2. COMPATIBILITY

The applicant proposes to reallocate entitlements within the development boundaries. The modification will not create any additional impacts. Each of the affected parcels is currently approved for the proposed land uses and this request is a simultaneous increase and decrease of those approved uses.

Revisions to Stipulation Q.1 of the Zoning Ordinance and Note 2(e) of the GDP are proposed to address structures on Business Parcel 15. Elevations were entered into the Record on October 16, 2007 which showed two hotels and condominiums outlining a large courtyard area. A Preliminary/Final Site Plan for one hotel has been approved for Business Parcel 15. With this change, the second hotel, condominiums, and large courtyard will not be constructed on this parcel. The hotel use, along with a portion of the commercial square footage from Parcel 15, is being reallocated to Business Parcels 4/5 near I-75. Multi-Family units (200) will remain on Parcel 15, but will be developed as multi-family rental units along with the 100 multi-family units reallocated from east of Lorraine Road (Parcel 53). It is anticipated that the height of these multi-family units will be less than what was originally approved for the condominiums. The applicant proposes buildings that are approximately 4 to 6 stories rather than 9 stories tall. The photos/graphics that will be entered into the Record with this request show urban design features, architectural elements, and architectural variations that create an urban resort look for the multi-family apartment project.

Because the multi-family development proposed for Parcel 15 is less intense than what was previously approved, additional language regarding the elevations is included in the stipulation and note to provide the applicant some flexibility. If the elevations submitted at the time of Preliminary/Final Site Plan do not substantially comply with the elevations entered into the Record, but do comply with the LDC regarding building height, staff may administratively approve the revised elevations. The applicant may appeal staff's decision to the Board of County Commissioners. Staff has no objection to the requested stipulation modifications.

The additional non-residential square footage and hotel rooms proposed for Parcel 4/5, adjacent to I-75 will intensify development contemplated for that area of the DRI, but not for the overall DRI. Additional hotel rooms and business commercial development is appropriate adjacent to I-75 and University Parkway. Staff has no objection to this requested change.

3. PUBLIC UTILITIES/FACILITIES

There are two north-south thoroughfare roadways in the project, Lakewood Ranch Boulevard and Lorraine Road. University Parkway borders the project on the south.

The proposed amendment to the GDP will not have any additional impacts on the public utilities/facilities systems.

4. PRESERVATION/CONSERVATION

The Environmental Planning Division does not receive detailed wetland information at this point. The full wetland information will be submitted with Preliminary Site Plans. A more detailed review will be done at that stage; however, there are no changes in parcel boundaries

and no new impacts requested.

5. CONCURRENCY

The project has a Certificate of Level of Service Compliance (CLOS) for Phases I, II, III and IV until September 13, 2016. This request does not change the approved entitlements which were reviewed as a basis for the issuance of the CLOS. Water concurrency is issued only with Final Site Plan approvals.

6. CONSISTENCY WITH COMPREHENSIVE PLAN

The proposed GDP must be in compliance with the Manatee County Comprehensive Plan. The policies attached to this staff report were considered and are important policies to review and consider in evaluating this proposal.

The Future Land Use map designates the overall DRI site as MU/RES-1/ER.

The western part of the site located at the I-75 and University Parkway interchange (approximately 1 square mile) is designated MU. Parcel 4/5 and Parcel 15 lie within this designation and the land uses were deemed appropriate with prior approvals. The proposed changes are a reallocation of those approved land uses and; therefore, can be found appropriate.

A large portion of the existing DRI between Lakewood Ranch Boulevard and Lorraine Road is designated RES-1. There are no changes proposed within this area.

The portion of the DRI east of Lorraine Road has a designation of RES-1 and ER. Parcel 53 lies within the RES-1 designation. This parcel is currently approved for 322 multi-family dwelling units and will be reduced to 222 multi-family units.

The applicant has maintained both a density and FAR ratio below the ceilings of each FLUC for the overall project.

The project was previously granted Special Approval to the Comprehensive Plan for being in the Evers Reservoir Watershed, a Mixed Use project, and adjacent to a perennial stream with prior approvals.

See attached Zoning Ordinance for changes (a strike thru for deletions and underline for additions).

ATTACHMENTS:

1. Applicable Comprehensive Plan Policies
2. Ordinance PDMU-92-01 (G)(R13) in strike-thru/underline format
3. Copy of Newspaper Advertising
4. Elevations

The following Comprehensive Plan policies apply:

Objective: 2.1.2 **Geographic Extent of Future Development:** Limit urban sprawl through provision of locations for new residential and non-residential development consistent with the adopted Land Use Concept, to that area west of the Future Development Area Boundary (FDAB) thereby, preserving agriculture as the primary land use east of the FDAB through 2025.

Policy: 2.1.2.2 Limit urban sprawl by prohibiting all future development to the area east of the established FDAB except as follows:

- a. small commercial development providing for the needs of the agricultural community,
- b. Agro-Industrial and industrial development where associated with approved mining operations,
- c. Residential development in excess of 0.2 du/ga during the following:
 - 1) farm worker housing
 - 2) residential within Myakka City
 - 3) legal lots of record prior to May 11, 1989
 - 4) redevelopment per policy 2.9.3.2
 - 5) projects obtaining Special approval from the Board of County Commissioners which implement significant clustering provisions for the protection of open space and agricultural operations.
- d. Plan amendments resulting from a change in the Future Land Use Concept.

Such uses shall be allowed, only if developed consistent with all Goals, Objectives and Policies of this Comprehensive Plan.

Policy: 2.1.2.6 Limit urban sprawl through the consideration of new development, when deemed compatible with future growth, in areas which are currently undeveloped yet suitable for improvements.

Policy: 2.1.2.7 Review all proposed development for compatibility and appropriate timing. This analysis shall include:

- consideration of existing development patterns,
- types of land uses,
- transition between land uses,
- density and intensity of land uses,
- natural features,
- approved development in the area,
- availability of adequate roadways,
- adequate centralized water and sewer facilities,
- other necessary infrastructure and services.
- limiting urban sprawl
- applicable specific area plans
- (See also policies under Objs. 2.6.1 - 2.6.3)

Policy: 2.2.1.8 **Ag/R:** Establish the Agricultural/Rural future land use category as follows:

Policy: 2.2.1.8.1 Intent: To identify, textually in the Comprehensive Plan's goals, objectives, and policies, or graphically on the Future Land Use Map, areas which have a long term Agricultural or Rural Residential character, such areas primarily located east of the "Future Development Area Boundary" (FDAB). Refer to the TSD, Land Use Element for location of the FDAB.

Policy: 2.2.1.8.2 Range of Potential Uses (see Policies 2.1.2.3 - 2.1.2.7, 2.2.1.5, and Obj. 9.2.4): Farms, ranches, agro-industrial uses, agricultural service establishments, agriculturally-compatible residential uses, farmworker housing, rural residential uses, neighborhood retail uses, mining, mining-related uses, low intensity recreational facilities, rural recreational facilities, public or semi-public uses, schools, and appropriate water-dependent uses (see also Objectives 4.2.1, 2.10.3 and 2.10.4).

Policy: 2.2.1.8.3 Range of Potential Density/Intensity:

Maximum Gross Residential Density:
0.2 dwelling units per acre

Maximum Net Residential Density:
2 dwelling unit per acre
(except within WO and CHHA Overlay Districts pursuant to Policies 2.3.1.5, and 4.3.1.5)

Maximum Floor Area Ratio: 0.23

Maximum Square Footage for Neighborhood Retail Uses: Small (30,000sf)

Policy: 2.2.1.8.4 Other Information:

- a) Mining-related uses, agro-industrial uses, and agricultural service establishments are exempt from the requirement for 0.23 maximum Floor Area Ratio, but may be limited in intensity by the application of other goals, objectives, or policies in this Comprehensive Plan or by other applicable development regulations.
- b) All mixed, multiple use and rural recreational use projects require special approval, as defined herein, and as further defined in any land development regulations developed pursuant to § 163.3202, F.S.
- c) Where established in a manner consistent with applicable land development regulations, farmworker housing may exceed densities specified in Policy 2.2.1.8.3.

Policy: 2.2.1.21 **MU:** Establish the Mixed-Use future land use category as follows:

Policy: 2.2.1.21.1 Intent: To identify, textually in the Comprehensive Plan's goals, objectives, and policies, or graphically on the Future Land Map, areas which are established as major centers of suburban/urban activity and are limited to areas with a high level of public facility availability along functionally classified roadways. Also, to provide incentives for, encourage, or require the horizontal or vertical integration of various residential and non-residential uses within these areas, achieving internal trip capture, and the development of a high quality environment for living, working, or visiting.

Policy: 2.2.1.21.2 Range of Potential Uses (see Policies 2.1.2.3 - 2.1.2.7, 2.2.1.5): Retail, wholesale, office uses, light industrial uses,

research/corporate uses, warehouse/ distribution, suburban or urban residential uses, lodging places, recreational uses, public or semi-public uses, schools, hospitals, short-term agricultural uses, other than special agricultural uses, agriculturally-compatible residential uses, and water-dependent uses.

Policy: 2.2.1.21.3

Range of Potential Density/Intensity:

Maximum Gross Residential Density:
9 dwelling units per acre

Minimum Gross Residential Density: 7.0 only in CRA's and UIRA for residential projects that designate a minimum of 25% of the dwelling units as "Affordable Housing".

Maximum Net Residential Density:
20 dwelling units per acre

24 dwelling units per acre within the CRA's and UIRA for residential projects that designate a minimum of 25% of the dwelling units as "Affordable Housing".

Maximum Floor Area Ratio: 1.0
2.0 inside the CRA's and UIRA.

Maximum Square Footage for Neighborhood,
Community, or Region-Serving Uses:
Large (300,000sf)

Policy: 2.2.1.21.4

Other Information:

- a) All projects require special approval and are subject to the criteria within b, c, d below, unless all the following are applicable:
1. The proposed project consists of a single family dwelling unit located on a lot of record which is not subject to any change in property boundary lines during the development of the proposed land use, and
 2. The proposed project is to be developed without generating a requirement for either subdivision review, or final site or development plan review, or equivalent development order review.
- b) Non-Residential uses exceeding 150,000 square feet of gross

building area (region-serving uses) may be considered only if consistent with the requirements for large commercial uses, as described in this element.

- c) Development in each area designated with the Mixed Use category shall:

contain the minimum percentage of at least three of the following general categories of land uses;

- 10 %Residential,
- 10 %Commercial / Professional,
- 10 %Light Industrial / Distribution.
- 5 %Recreation / Open Space,
- 3 %Public / Semi Public,

- d) Access between these uses shall be provided by roads other than those shown on the Major Thoroughfare Map Series of this Comprehensive Plan or alternative vehicular and pedestrian access methods acceptable to the County:

- (e) Development or redevelopment within the area designated under this category shall not be required to achieve compliance with the commercial locational criteria described in Objectives 2.10.4.1 and 2.10.4.2 of this element.

Policy 2.6.1.1

Require all adjacent development that differs in use, intensity, height, and/or density to utilize land use techniques to mitigate potential incompatibilities. Such techniques shall include but not be limited to:

- use of undisturbed or undeveloped and landscaped buffers
- use of increased size and opacity of screening
- increased setbacks
- innovative site design (which may include planned development review)
- appropriate building design
- limits on duration/operation of uses

- noise attenuation techniques
- limits on density and/or intensity [see policy 2.6.1.3]

Policy: 2.6.1.2 Require the use of planned unit development, in conjunction with the mitigation techniques described in policy 2.6.1.1, for projects where project size requires the submittal of a site development plan in conformance with the special approval process in order to achieve compatibility between these large projects and adjacent existing and future land uses.

Policy: 2.6.2.1 Limit location of new residential development and residential support uses adjacent to intensive and incompatible agricultural operations.

Policy: 2.6.2.9 Require a gradual transition in density and utilize the mitigation techniques under objective 2.6.1 when siting residential development adjacent to non-residential uses.

Policies: 2.9.1.1 Minimize the development of residential projects which create isolated neighborhoods.

Policies: 2.9.1.9 Require where feasible, pedestrian and bicycle access to community spaces, schools, recreational facilities, adjacent neighborhoods, employment opportunities, professional and commercial uses. (See also Obj. 3.3.3)

Policy: 2.9.4.1 Maintain all interstate connectors as "Entranceways" to permit implementation of special landscaping, project design, and signage control criteria to achieve a boulevard image and positive sense of place.

Policy: 2.9.4.2 Develop Corridor Plans on primary travel routes into and through the urban area of Manatee County creating a positive sense of place.

Objective: 3.2.1 **Potable Water Quality:** Maintain or improve the water quality and quantity in Lake Manatee, Evers Reservoir, and Peace River Watershed Overlay (WO) Districts for the purpose of ensuring a continued supply of drinking water at lowest possible cost to the current and future residents of Manatee County and component jurisdictions.

Policy: 5.2.2.3 Designate where determined to be necessary by the Board of County Commissioners, any roadway shown on the Future Traffic Circulation Map (Map 5E) as a "controlled access facility,"

as defined herein. This designation should not be confused with the category of roadway used for functional classification purposes called "limited access facility". Also, for any controlled access facility, limit the rights of abutting lands to direct or indirect access to the facility in a manner specific to that facility. Furthermore, to prohibit the issuance of a Certificate of Level of Service Compliance on any project unless project design meets all criteria adopted for adjacent controlled access facilities. A list of approved intersections may also be developed for each controlled access facility to identify permitted access points to the facility.

All "entranceways," as described in Policies 2.9.4.1 & 2.9.4.2, shall also be designated as controlled access facilities, with access limitations specified at time of defining the extent of these facilities pursuant to Policies 2.9.4.1 & 2.9.4.2.

At a minimum, the following roadways shall be considered as Manatee County Designated "Controlled Access Facilities".

- 1) University Parkway between U.S. 301 and SR70.
- 2) State Route 70 between I-75 and Verna Bethany Road.
- 3) State Route 64 between I-75 and Verna Bethany Road.
- 4) U.S. 301 Between I-75 and North Manatee County line.
- 5) U.S. 41 between 49th Street East (Experimental Farm Road) and north Manatee County Line.

All Manatee County "Controlled Access Facilities" shall be shown on the Future Traffic Circulation Map (Map 5E) via the plan amendment process, and a description of access limitations shall be contained in land development regulations developed pursuant to Section 163.3202, F.S.

Policy: 5.2.2.10 Minimize the utilization of I-75 and I-275 as roadways for meeting local travel demand by establishing a future land use map and related policies that shall encourage highly integrated multi-use projects, and varied complementary projects, in close proximity to interstate highway interchanges to increase internal trip capture within and between such projects.

Policy: 5.2.3.1 Prohibit the issuance of certain development orders unless compliance of the particular project is established, at time of review of development orders listed under 2.4.1.1.(1)-(4), with regard to adopted infrastructure and performance (level of service) standards. Compliance shall be established only when the

development order is issued at the same time, or following, the issuance of a Certificate of Level of Service Compliance for that project, as described in policies under Objective 2.4.1. Adopted level of service standards are listed in policies under Objective 5.1.2 above.

- Policy: 9.2.3.2 Require that new development pay for the full cost of installation of all wastewater collection system components which are needed on and off the development site to provide wastewater service to the site, and to meet adopted level of service standards, and Policy 9.1.2.3.
- Policy: 9.2.4.6 Request for connection to Manatee County's central sewer system may be denied based solely on the developments location outside the Future Development Area Boundary.
- Policy: 9.6.1.1 Require new development within the potable water service area to connect to the County potable water system, including installation of any necessary off-site transmission lines.
- Policy 9.6.2.2 Require that new development pay for the full cost of installation of all water distribution system components which are needed on and off the development site to effectuate potable water service to the site to meet adopted level of service standards.

MANATEE COUNTY ZONING ORDINANCE
PDMU-92-01(G)(R13) SCHROEDER-MANATEE RANCH, INC.
(AKA SMR Communities Joint Venture, a Florida general partnership)

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, RELATING TO LAND DEVELOPMENT, AMENDING STIPULATION Q.(1) OF ORDINANCE PDMU-92-01(Z)(G)(R12) AND AMENDING THE GENERAL DEVELOPMENT PLAN TO REALLOCATE 100 MULTI-FAMILY UNITS FROM PARCEL 53 TO PARCEL 15, 16,791 SQUARE FEET OF NON-RESIDENTIAL SQUARE FOOTAGE FROM PARCEL 15 TO PARCEL 4/5, AND 255 HOTEL ROOMS FROM PARCEL 15 TO PARCEL 4/5 AND AMENDING NOTE 2(E) REGARDING PARCEL 15; LOCATED AT THE NORTHEAST INTERSECTION OF THE UNIVERSITY PARKWAY AND I-75 INTERCHANGE, SOUTH OF SR 70, NORTH OF UNIVERSITY PARKWAY, AND EAST OF I-75 TO THE CURRENT BOUNDARY AT THREE MILES EAST OF LORRAINE ROAD; THE PRESENT ZONING IS PDMU/WP-E/ST (PLANNED DEVELOPMENT MIXED USE/EVERS RESERVOIR WATERSHED PROTECTION AND SPECIAL TREATMENT OVERLAY DISTRICT) (4,101.2 ± ACRES); OTHER MINOR AMENDMENTS AS NECESSARY; SETTING FORTH FINDINGS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA:

Section 1. Ordinance PDMU-92-01(Z)(G)(R12) is hereby amended to modify a stipulation regarding the architectural design restrictions for Parcel 15 and to adopt a revised General Development Plan. All stipulations not hereby amended by this ordinance shall remain in full force and effect as previously approved in Ordinance PDMU-92-01(Z)(G)(R12).

Section 2. FINDINGS OF FACT. The Board of County Commissioners of Manatee County, after considering the testimony, evidence, documentation, application for amendment of the Zoning Ordinance, the recommendation and findings of the Planning Commission, and 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 held a public hearing on October 25, 2011, regarding the proposed amendment to the zoning ordinance and the revised General Development Plan described herein in accordance with the requirements of Manatee County Ordinance No. 90-01, (the Manatee County Land Development Code), and further considered the information received at the public hearing.

B. The revised General Development Plan and the proposed amended stipulation as stated in Section 3 hereof are hereby found to be consistent with the requirements of the Manatee County Comprehensive Plan.

Section 3. Ordinance No. PDMU-92-01(Z)(G)(R12) Stipulation Q.(1), Land Conditions, regarding design limitations. Said Q.(1) shall be amended as follows: (additional text indicated by underlining, deletions by ~~strikeout~~)

Land Conditions

Q. (1) The setbacks and height for land uses shall be as follows:

USES	HEIGHT MAXIMUM ****	LOT WIDTH *	FRONT	SIDE	REAR
Single Family Detached	35 ft.	45+++ - 79 ft.	20/15ft.***/ 5 ft +++	6 ft.	15 ft./ 5 ft +++
Single Family Detached	35 ft.	80 or greater ft.	25/20 ft. ***/ 5 ft +++	8 ft.	15 ft./5 ft. +++
Zero Lot Line (SFD)	35 ft.	45 ft.	20/15 ft.***	0 ft./10	15 ft.
Single Family Attached	35 ft.	35 ft./ 30 ft.+++	20/15 ft. ***/ 5 ft. +++	0/8 ft.+	15 ft./ 5 ft. +++
Single Family Semi-Detached	35 ft.	35 ft.	20/15 ft. ***	0/8 ft.+	15 ft.
Duplex	35 ft.	80 ft.	20/15 ft.***	8 ft.	15 ft.
Multi-Family	4 stories++		20 ft.	10 ft.	25 ft.
Commercial	35 ft.		40 ft.	15 ft.	20 ft.
Office/Hotel	10 stories		40 ft.	15 ft.	20 ft.
Industrial	6 stories		30 ft.	15 ft.	20 ft.
School, Park Recreation Center	35 ft.		25 ft.	15 ft.	15 ft.

* Minimum lot width is 45 ft. measured at setback line.
 ** Applies to one side (when one yard is measured at 0 feet the other yard must be ten feet), or end unit.
 *** Front setback for units with side entry garages.
 **** Section 702.5 of the Manatee County Land Development Code shall not apply to the maximum height of buildings within the University Lakes Project. In instances where structures are proposed adjacent to I-75, for each 1 foot of height over 35 feet, the setback from the I-75 right-of-way shall be increased by 1 foot. Structures which are proposed to be located within 200 feet from the Project* boundary on sites which are adjacent to off-site residential zoning or uses shall be limited to four stories. Structures which are proposed to be located within 400 feet of I-75 cannot exceed six stories.
 + Applies to end unit.
 ++ Five (5) stories allowed in Town Center parcel and Nine (9) stories allowed in Business Parcel 15. The structures on Business Parcel 15 shall be in substantial compliance with the graphics provided at the public hearing on October 16, 2007 or October 25, 2011. At time of Preliminary/Final Site Plan, if the applicant proposes elevations less than nine stories for Business Parcel

15 that are not in substantial compliance with the elevations entered into the Record, staff may review and administratively approve the new elevations, provided they are consistent with LDC Section 603.7.4.9, Building Height. The applicant may appeal staff's decision regarding the proposed elevations to the Board of County Commissioners at an advertised public hearing.

+++ For units south of University Parkway. Minimum lot width is 44 feet measured at setback line; however, in no instance shall flag lots be permitted.

Section 4. The revised General Development plan, dated September 2011, attached as Exhibit B, entitled UNIVERSITY LAKES, is hereby APPROVED, to reallocate 100 multi-family units from Parcel 53 to Parcel 15, 16,791 square feet of non-residential square footage from Parcel 15 to Parcel 4/5, and 255 hotel rooms from Parcel 15 to Parcel 4/5, amend Note 2(e) regarding Parcel 15; and amend the Zoning Ordinance to reflect these changes.

Section 5: Except as expressly amended herein, all other prior zoning ordinances shall remain in full force and effect.

Section 6. LEGAL DESCRIPTION.

Legal description of the Project is attached as Exhibit A.

Section 7. 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, clause, sentence, 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 8. EFFECTIVE DATE. This ordinance shall take effect immediately upon filing with the Department of State, State of Florida.

PASSED AND DULY ADOPTED, by the Board of County Commissioners of Manatee County, Florida on this 25th day of October, 2011.

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

BY: _____
Carol Whitmore, Chairman

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

By: _____
Deputy Clerk

**EXHIBIT A
UNIVERSITY LAKES DRI**

LEGAL DESCRIPTION (AS PREPARED BY THE CERTIFYING SURVEYOR AND MAPPER):

A TRACT OF LAND LYING IN SECTION 36, TOWNSHIP 35 SOUTH, RANGE 18 EAST, AND SECTIONS 25, 26, 28, 29, 31, 32, 33, 34, 35 AND 36, TOWNSHIP 35 SOUTH, RANGE 19 EAST, MANATEE COUNTY, FLORIDA AND DESCRIBED AS FOLLOWS:

BEGIN AT THE SOUTHWEST CORNER OF SAID SECTION 29; THENCE N.00°22'41"E. ALONG THE WEST LINE OF SAID SECTION 29, A DISTANCE OF 2,656.56 FEET; THENCE S.89°30'30"E., A DISTANCE OF 211.38 FEET; THENCE N.26°03'03"E., A DISTANCE OF 41.16 FEET; THENCE S.61°21'58"E., A DISTANCE OF 186.34 FEET TO THE POINT OF CURVATURE OF A NON-TANGENT CURVE TO THE RIGHT, OF WHICH THE RADIUS POINT LIES S.61°21'58"E., A RADIAL DISTANCE OF 295.00 FEET; THENCE NORTHEASTERLY ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 15°08'34", AN ARC LENGTH OF 77.97 FEET TO THE END OF SAID CURVE; THENCE S.46°13'24"E. RADIAL TO THE LAST DESCRIBED CURVE, A DISTANCE OF 141.12 FEET; THENCE N.33°11'55"E., A DISTANCE OF 59.75 FEET; THENCE N.85°03'09"E., A DISTANCE OF 131.05 FEET; THENCE S.61°13'40"E., A DISTANCE OF 51.46 FEET; THENCE S.89°30'48"E., A DISTANCE OF 469.77 FEET; THENCE N.00°29'12"E., A DISTANCE OF 48.63 FEET; THENCE S.89°30'30"E., A DISTANCE OF 120.00 FEET TO THE NORTHEAST CORNER OF THE WEST 1/2 OF THE SOUTHWEST 1/4 OF THE AFOREMENTIONED SECTION 29; THENCE S.00°29'12"W. ALONG THE EAST LINE OF THE WEST 1/2 OF THE SOUTHWEST 1/4 OF SAID SECTION 29, A DISTANCE OF 2,658.57 FEET TO THE NORTH LINE OF SECTION 32; THENCE S.89°30'25"E. ALONG SAID NORTH LINE, A DISTANCE OF 1,269.55 FEET TO A POINT ON THE EAST LINE OF LAKEWOOD RANCH COUNTRY CLUB VILLAGE, SUBPHASE C, UNIT 1-A, RECORDED IN PLAT BOOK 30, PAGE 189 OF THE PUBLIC RECORDS OF MANATEE COUNTY; THE FOLLOWING 3 CALLS ARE ALONG SAID EAST LINE; THENCE S.00°29'35"W., A DISTANCE OF 166.41 FEET; THENCE S.58°34'00"E., A DISTANCE OF 423.22 FEET; THENCE S.01°20'47"W., A DISTANCE OF 240.50 FEET TO A POINT ON THE NORTH LINE OF PARCEL 4, LEGACY GOLF COURSE AS RECORDED IN ROAD PLAT BOOK 10, PAGE 126 OF THE AFOREMENTIONED PUBLIC RECORDS; THE FOLLOWING 2 CALLS ARE ALONG SAID NORTH LINE; THENCE S.36°55'37"E., A DISTANCE OF 85.33 FEET; THENCE S.60°40'54"E., A DISTANCE OF 184.30 FEET TO THE WEST LINE OF LAKEWOOD RANCH COUNTRY CLUB VILLAGE, SUBPHASE D, UNIT 1 A/K/A SPYGLASS, RECORDED IN PLAT BOOK 34, PAGE 113; THENCE N.23°47'43"E. ALONG SAID WEST LINE, A DISTANCE OF 277.38 FEET TO THE NORTH LINE OF SAID LAKEWOOD RANCH COUNTRY CLUB VILLAGE, SUBPHASE D, UNIT 1 A/K/A SPYGLASS; THENCE N.90°00'00"E. ALONG SAID NORTH LINE, ALSO BEING THE NORTH LINE OF LAKEWOOD RANCH COUNTRY CLUB VILLAGE, SUBPHASE D, UNIT 2, RECORDED IN PLAT BOOK 31, PAGE 33 OF THE AFOREMENTIONED PUBLIC RECORDS, A DISTANCE OF 2,269.90 FEET TO A POINT ON THE NORTH LINE OF LAKEWOOD RANCH COUNTRY CLUB VILLAGE, SUBPHASE D, UNIT 3B & 4 A/K/A GLENEAGLES, RECORDED ON PLAT BOOK 34, PAGE 181 OF THE AFOREMENTIONED PUBLIC RECORDS; THE FOLLOWING 7 CALLS ARE ALONG SAID NORTH LINE; THENCE N.07°30'16"E., A DISTANCE OF 437.56 FEET; THENCE N.72°30'29"E., A DISTANCE OF 190.11 FEET; THENCE S.17°29'31"E., A DISTANCE OF 20.40 FEET; THENCE N.72°30'29"E., A DISTANCE OF 161.83 FEET; THENCE S.26°06'53"E., A DISTANCE OF 49.82 FEET TO THE POINT OF CURVATURE OF A NON-TANGENT CURVE TO THE RIGHT, OF WHICH THE RADIUS POINT LIES S.26°06'53"E., A RADIAL DISTANCE OF 58.00 FEET; THENCE EASTERLY ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 24°50'29", AN ARC LENGTH OF 25.15 FEET TO THE END OF SAID CURVE;

THENCE N.72°30'29"E. NON-TANGENT TO THE LAST DESCRIBED CURVE, A DISTANCE OF 181.80 FEET; THENCE N.76°17'54"E., A DISTANCE OF 33.84 FEET TO THE POINT OF CURVATURE OF A NON-TANGENT CURVE TO THE LEFT, OF WHICH THE RADIUS POINT LIES S.76°17'54"W., A RADIAL DISTANCE OF 550.00 FEET; THENCE NORTHERLY ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 59°36'16", AN ARC LENGTH OF 572.16 FEET TO THE POINT OF REVERSE CURVATURE OF A CURVE TO THE RIGHT HAVING A RADIUS OF 600.00 FEET AND A CENTRAL ANGLE OF 73°58'28"; THENCE NORTHWESTERLY ALONG THE ARC OF SAID CURVE, A DISTANCE OF 774.66 FEET TO THE POINT OF TANGENCY OF SAID CURVE; THENCE N.00°40'06"E., A DISTANCE OF 221.36 FEET; THENCE S.89°31'24"E. PARALLEL WITH THE NORTH LINE OF THE AFOREMENTIONED SECTION 28 AND 4077.34 FEET SOUTHERLY THEREFROM, A DISTANCE OF 2,614.09 FEET TO THE WEST LINE OF THE EAST 1/2 OF SAID SECTION 28; THENCE S.00°45'47"W. ALONG SAID WEST LINE, A DISTANCE OF 1,236.76 FEET TO THE SOUTH 1/4 CORNER OF SAID SECTION 28; THENCE S.89°30'25"E. ALONG THE SOUTH LINE OF SAID SECTION 28, A DISTANCE OF 2,662.03 FEET TO THE NORTHWEST CORNER OF THE AFOREMENTIONED SECTION 34; THENCE N.89°57'56"E. ALONG THE NORTH LINE OF SAID SECTION 34, A DISTANCE OF 120.02 FEET; THENCE S.00°51'27"W., A DISTANCE OF 1.87 FEET TO THE POINT OF CURVATURE OF A NON-TANGENT CURVE TO THE LEFT, OF WHICH THE RADIUS POINT LIES S.89°08'34"E., A RADIAL DISTANCE OF 2,190.00 FEET; THENCE SOUTHERLY ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 13°14'44", AN ARC LENGTH OF 506.28 FEET TO THE POINT OF TANGENCY OF SAID CURVE; THENCE S.12°23'18"E., A DISTANCE OF 982.01 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE RIGHT HAVING A RADIUS OF 3,060.00 FEET AND A CENTRAL ANGLE OF 10°28'18"; THENCE SOUTHERLY ALONG THE ARC OF SAID CURVE, AN ARC LENGTH OF 559.26 FEET TO THE POINT OF TANGENCY OF SAID CURVE; THENCE S.01°55'00"E., A DISTANCE OF 1076.32 FEET TO THE SOUTHWEST CORNER OF PREMISES DESCRIBED IN OFFICIAL RECORD BOOK 1532, PAGE 5848, OF SAID PUBLIC RECORDS; THE FOLLOWING 2 CALLS ARE ALONG THE LINES OF SAID PREMISES DESCRIBED IN OFFICIAL RECORD BOOK 1532, PAGE 5848; THENCE N.88°07'20"E., A DISTANCE OF 1,147.54 FEET; THENCE N.00°45'04"W., A DISTANCE OF 877.03 FEET; THENCE N.88°05'00"E., A DISTANCE OF 155.33 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE LEFT HAVING A RADIUS OF 2,723.82 FEET AND A CENTRAL ANGLE OF 23°07'59"; THENCE EASTERLY ALONG THE ARC OF SAID CURVE, AN ARC LENGTH OF 1,099.74 FEET TO THE POINT OF REVERSE CURVATURE OF A CURVE TO THE RIGHT HAVING A RADIUS OF 1,690.00 FEET AND A CENTRAL ANGLE OF 21°24'41"; THENCE EASTERLY ALONG THE ARC OF SAID CURVE, A DISTANCE OF 631.55 FEET TO THE POINT OF TANGENCY OF SAID CURVE; THENCE N.86°21'42"E., A DISTANCE OF 275.42 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE LEFT HAVING A RADIUS OF 1,940.00 FEET AND A CENTRAL ANGLE OF 38°34'52"; THENCE NORTHEASTERLY ALONG THE ARC OF SAID CURVE, AN ARC LENGTH OF 1,306.33 FEET TO THE POINT OF TANGENCY OF SAID CURVE; THENCE N.47°46'50"E., A DISTANCE OF 466.55 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE RIGHT HAVING A RADIUS OF 2,610.00 FEET AND A CENTRAL ANGLE OF 28°29'57"; THENCE NORTHEASTERLY ALONG THE ARC OF SAID CURVE, AN ARC LENGTH OF 1,298.23 FEET TO THE POINT OF TANGENCY OF SAID CURVE; THENCE N.76°16'47"E., A DISTANCE OF 615.98 FEET TO THE POINT OF CURVATURE OF A CURVE OF TO THE RIGHT HAVING A RADIUS OF 2,920.00 FEET AND A CENTRAL ANGLE OF 30°55'19"; THENCE EASTERLY ALONG THE ARC OF SAID CURVE, AN ARC LENGTH OF 1,575.89 FEET TO THE POINT OF TANGENCY OF SAID CURVE; THENCE S.72°47'54"E., A DISTANCE OF 1,139.89 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE LEFT HAVING A RADIUS OF 2,940.00 FEET AND A CENTRAL ANGLE OF 31°21'44"; THENCE EASTERLY ALONG THE ARC OF SAID CURVE, AN ARC LENGTH OF 1,609.28 FEET TO THE POINT OF TANGENCY OF SAID CURVE; THENCE N.75°50'22"E., A

DISTANCE OF 1,640.22 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE RIGHT HAVING A RADIUS OF 5,060.00 FEET AND A CENTRAL ANGLE OF 14°11'52"; THENCE EASTERLY ALONG THE ARC OF SAID CURVE, AN ARC LENGTH OF 1,253.85 FEET TO THE POINT OF TANGENCY OF SAID CURVE; THENCE S.89°57'46"E., A DISTANCE OF 1,827.12 FEET TO THE EAST LINE OF SAID SECTION 25; THENCE S.00°30'59"W. ALONG SAID EAST LINE, A DISTANCE OF 62.61 FEET TO THE NORTHEAST CORNER OF SAID SECTION 36; THENCE S.00°35'33"W. ALONG THE EAST LINE OF SAID SECTION 36, A DISTANCE OF 5,904.94 FEET TO THE SOUTHEAST CORNER OF SAID SECTION 36; THENCE N.89°58'32"W. ALONG THE SOUTH LINE OF SAID SECTION 36, A DISTANCE OF 5,320.24 FEET TO THE SOUTHEAST CORNER OF AFOREMENTIONED SECTION 35; THENCE CONTINUE N.89°58'32"W. ALONG THE SOUTH LINE OF SAID SECTION 35, A DISTANCE OF 5,320.24 FEET TO THE SOUTHEAST CORNER OF AFOREMENTIONED SECTION 34; THENCE N.89°58'32"W. ALONG THE SOUTHERLY LINE OF SECTION 34, A DISTANCE OF 5320.24 FEET TO THE SOUTHWEST CORNER OF SAID SECTION 34; THENCE N.89°58'32"W. ALONG THE SOUTHERLY LINE OF THE AFOREMENTIONED SECTION 33, A DISTANCE OF 5,320.24 FEET TO THE SOUTHWEST CORNER OF SAID SECTION 33; THENCE N.89°58'32"W. ALONG THE SOUTHERLY LINE OF THE AFOREMENTIONED SECTION 32, A DISTANCE OF 5,320.24 FEET TO THE SOUTHWEST CORNER OF SAID SECTION 32; THENCE N.89°58'32"W. ALONG THE SOUTHERLY LINE OF THE AFOREMENTIONED SECTION 31, A DISTANCE OF 4,602.00 FEET TO THE SOUTHWEST CORNER OF SAID SECTION 31, ALSO BEING A POINT ON THE EASTERLY LIMITED ACCESS RIGHT-OF-WAY OF STATE ROAD 93 (INTERSTATE 75); THE FOLLOWING 15 CALLS ARE ALONG THE EASTERLY LIMITED ACCESS RIGHT-OF-WAY OF STATE ROAD 93 (INTERSTATE 75); THENCE N.00°37'10"E. ALONG THE WEST LINE OF SAID SECTION 31, A DISTANCE OF 615.67 FEET TO THE POINT OF CURVATURE OF A NON-TANGENT CURVE TO THE RIGHT, OF WHICH THE RADIUS POINT LIES S.68°06'12"E., A RADIAL DISTANCE OF 216.00 FEET; THENCE NORTHEASTERLY ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 66°23'34", AN ARC LENGTH OF 250.29 FEET TO THE POINT OF TANGENCY OF SAID CURVE; THENCE N.88°17'22"E., A DISTANCE OF 628.58 FEET; THENCE S.89°25'46"E., A DISTANCE OF 298.15 FEET; THENCE CONTINUE S.89°25'46"E., A DISTANCE OF 133.30 FEET; THENCE N.00°34'14"E., A DISTANCE OF 336.00 FEET; THENCE N.89°25'46"W., A DISTANCE OF 606.88 FEET; THENCE N.85°36'55"W., A DISTANCE OF 460.53 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE RIGHT HAVING A RADIUS OF 396.00 FEET AND A CENTRAL ANGLE OF 27°45'53"; THENCE WESTERLY ALONG THE ARC OF SAID CURVE, AN ARC LENGTH OF 191.90 FEET TO THE END OF SAID CURVE; THENCE S.01°15'38"W., A DISTANCE OF 68.34 FEET TO THE POINT OF CURVATURE OF A NON-TANGENT CURVE TO THE RIGHT, OF WHICH THE RADIUS POINT LIES N.27°44'12"E., A RADIAL DISTANCE OF 456.00 FEET; THENCE NORTHWESTERLY ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 34°29'47", AN ARC LENGTH OF 274.55 FEET TO THE POINT OF TANGENCY OF SAID CURVE; THENCE N.27°46'01"W., A DISTANCE OF 566.48 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE RIGHT HAVING A RADIUS OF 4,489.66 FEET AND A CENTRAL ANGLE OF 12°57'00"; THENCE NORTHERLY ALONG THE ARC OF SAID CURVE, AN ARC LENGTH OF 1,014.75 FEET TO THE POINT OF TANGENCY OF SAID CURVE; THENCE N.14°49'01"W., A DISTANCE OF 899.55 FEET; THENCE N.13°40'16"W., A DISTANCE OF 1,016.33 FEET; THENCE S.88°43'35"E., A DISTANCE OF 1,369.65 FEET; THENCE S.89°40'28"E., A DISTANCE OF 1,438.64 FEET; THENCE N.01°15'38"E., A DISTANCE OF 1,532.73 FEET TO THE NORTH LINE OF THE AFOREMENTIONED SECTION 31; THENCE S.89°40'28"E., A DISTANCE OF 3,164.99 FEET TO THE POINT OF BEGINNING.

SAID TRACT CONTAINS 4131.64 ACRES, MORE OR LESS.

LESS AND EXCEPT

THE TRACT KNOWN AS PARCELS NO.1, NO. 4, NO. 5 AND A PORTION OF COVENANT WAY
DESCRIPTION (AS PREPARED BY THE CERTIFYING SURVEYOR AND MAPPER):

A TRACT OF LAND LYING IN SECTION 34, TOWNSHIP 35 SOUTH, RANGE 19 EAST,
MANATEE COUNTY, FLORIDA AND DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF SAID SECTION 34; THENCE S.89°58'32"E. ALONG THE SOUTH LINE OF SAID SECTION 34, A DISTANCE OF 678.97 FEET TO A POINT ON THE EASTERLY LINE OF PREMISES DESCRIBED IN OFFICIAL RECORDS BOOK 1532, PAGE 5845 OF THE PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA; THENCE N.00°01'28"E. ALONG SAID EASTERLY LINE AND THE EAST LINE OF LORRAINE ROAD ALSO DESCRIBED IN SAID OFFICIAL RECORDS BOOK 1532, PAGE 5845, A DISTANCE OF 1,020.28 FEET TO THE SOUTHWEST CORNER OF PREMISES DESCRIBED IN OFFICIAL RECORD BOOK 1555, PAGE 4954 OF THE PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA; THENCE S.89°58'32"E., ALONG THE SOUTH LINE OF SAID PREMISES, A DISTANCE OF 488.93 FEET; THENCE N.00°01'28"E., ALONG THE EAST LINE OF SAID PREMISES AND THE NORTHERLY EXTENSION THEREOF, A DISTANCE OF 891.04 FEET TO A POINT ON THE NORTH LINE OF COVENANT WAY (84-FOOT WIDE PRIVATE ROADWAY) AS SHOWN ON COVENANT WAY, A ROADWAY PLAT AND RECORDED IN PLAT BOOK 37, PAGE 148 OF THE PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA, ALSO BEING A POINT ON THE SOUTHERLY LINE OF PREMISES DESCRIBED IN OFFICIAL RECORD BOOK 1571, PAGE 4068 OF SAID PUBLIC RECORDS; THE FOLLOWING 28 CALLS ARE ALONG LINE OF SAID PREMISES DESCRIBED IN OFFICIAL RECORD BOOK 1571, PAGE 4068; THENCE N.88°05'00"E. A DISTANCE OF 151.89 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE RIGHT HAVING A RADIUS OF 292.00 FEET AND A CENTRAL ANGLE OF 33°21'59"; THENCE EASTERLY ALONG THE ARC OF SAID CURVE, AN ARC LENGTH OF 170.05 FEET TO THE POINT OF TANGENCY OF SAID CURVE; THENCE S.58°33'01"E., A DISTANCE OF 208.77 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE LEFT HAVING A RADIUS OF 211.00 FEET AND A CENTRAL ANGLE OF 31°25'31"; THENCE EASTERLY ALONG THE ARC OF SAID CURVE, AN ARC LENGTH OF 115.73 FEET TO THE POINT OF TANGENCY OF SAID CURVE; THENCE S.89°58'32"E., A DISTANCE OF 38.37 FEET; THENCE N.00°01'28"E., A DISTANCE OF 391.85 FEET; THENCE N.53°08'42"W., A DISTANCE OF 108.39 FEET; THENCE N.64°51'52"W., A DISTANCE OF 72.10 FEET; THENCE N.51°15'29"W., A DISTANCE OF 71.24 FEET; THENCE N.88°53'01"W., A DISTANCE OF 64.72 FEET; THENCE S.42°31'45"W., A DISTANCE OF 48.99 FEET; THENCE S.57°15'03"W., A DISTANCE OF 43.67 FEET; THENCE N.75°08'44"W., A DISTANCE OF 93.01 FEET; THENCE N.36°23'58"W., A DISTANCE OF 51.93 FEET; THENCE N.30°15'09"W., A DISTANCE OF 120.41 FEET; THENCE N.26°03'26"W., A DISTANCE OF 83.03 FEET; THENCE N.11°24'03"E., A DISTANCE OF 191.05 FEET; THENCE N.77°32'10"W., A DISTANCE OF 49.33 FEET; THENCE N.54°48'49"W., A DISTANCE OF 53.50 FEET; THENCE S.83°25'42"W., A DISTANCE OF 39.97 FEET; THENCE N.77°03'04"W., A DISTANCE OF 27.57 FEET; THENCE N.76°42'11"W., A DISTANCE OF 51.49 FEET; THENCE S.09°58'45"W., A DISTANCE OF 46.64 FEET; THENCE S.17°32'46"W., A DISTANCE OF 26.17 FEET; THENCE N.55°40'30"W., A DISTANCE OF 120.52 FEET; THENCE S.34°19'30"W., A DISTANCE OF 52.27 FEET; THENCE S00°00'00"W, A DISTANCE OF 86.03 FEET; THENCE S.88°05'00"W., A DISTANCE OF 286.50 FEET TO THE AFOREMENTIONED EAST LINE OF LORRAINE ROAD; THE FOLLOWING 3 CALLS ARE ALONG SAID EAST LINE OF LORRAINE ROAD; THENCE S.01°55'00"E., A DISTANCE OF 791.84 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE RIGHT HAVING A RADIUS OF 10,560.00 FEET AND A CENTRAL ANGLE

OF $01^{\circ}56'28''$; THENCE SOUTHERLY ALONG THE ARC OF SAID CURVE, AN ARC LENGTH OF 357.76 FEET TO THE POINT OF TANGENCY OF SAID CURVE; THENCE $S.00^{\circ}01'28''W.$, A DISTANCE OF 382.49 FEET TO THE POINT OF BEGINNING.

SAID TRACT CONTAINS 24.95 ACRES, MORE OR LESS.

THE TRACT KNOWN AS THE CRICKET CLUB:

DESCRIPTION:

COMMENCE AT THE SOUTHWEST CORNER OF SECTION 34, TOWNSHIP 35 SOUTH, RANGE 19 EAST; THENCE $S89^{\circ}58'32''E$, ALONG THE SOUTH LINE OF SAID SECTION 34, A DISTANCE OF 3762.59 FT.; THENCE $N00^{\circ}01'28''E$, PERPENDICULAR WITH SAID SOUTH LINE, A DISTANCE OF 801.79 FT. FOR A POINT OF BEGINNING; THENCE $N00^{\circ}00'00''E$ (NORTH), A DISTANCE OF 358.16 FT.; THENCE $N85^{\circ}08'24''E$, 58.79 FT.; THENCE $N54^{\circ}54'36''E$, 292.35 FT.; THENCE $N90^{\circ}00'00''E$ (EAST), 221.92 FT.; THENCE $S00^{\circ}00'00''E$ (SOUTH), 528.25 FT.; THENCE $N85^{\circ}00'17''W$, A DISTANCE OF 48.76 FT. TO THE P.C. OF A CURVE, CONCAVE TO THE SOUTH, HAVING A RADIUS OF 2303.68 FT.; THENCE RUN WESTERLY, ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF $11^{\circ}44'23''$, A DISTANCE OF 472.02 FT. TO THE POINT OF BEGINNING, BEING AND LYING IN SECTION 34, TOWNSHIP 35 SOUTH, RANGE 19 EAST, MANATEE COUNTY, FLORIDA.

CONTAINING 5.52 ACRES MORE OR LESS.

THE ABOVE TRACT CONTAINS IN TOTAL 4,101.17 ACRES, MORE OR LESS.

Exhibit B

Revised General Development Plan dated September 2011

Attachment #1

IS NOT ATTACHED BUT IS ON FILE AT THE CLERK'S OFFICE AS AN ATTACHMENT TO THE
PREVIOUSLY APPROVED PDMU-92-01(Z)(G)(R1)

Copy of Newspaper Advertising

Bradenton Herald

NOTICE OF ZONING CHANGES IN UNINCORPORATED MANATEE COUNTY

NOTICE IS HEREBY GIVEN, that the Planning Commission of Manatee County will conduct a Public Hearing on **Thursday, October 13, 2011 at 9:00 a.m. at the Manatee County Government Administrative Center, 1st Floor Chambers, 1112 Manatee Avenue West, Bradenton, Florida** to consider, act upon, and forward a recommendation to the Board of County Commissioners on the following matters:

LDA-11-01 - PDR-06-34(Z)(P) PADDOCKS LAND VENTURE /THE PADDOCKS

DTS#20110143
Request for approval of LDA-11-01 relating to the Paddock project, approved as PDR 06 34(Z)(P); providing for the applicant's construction of improvements at the intersection of Ellenton-Gillette Road and Mendoza Road; providing for the approval of an extended Certificate of Level of Service Compliance for public facilities for the Project; and providing for the extension of the Preliminary Site Plan approved for the Project. The Project is located on a 82.04± acre parcel of property located in Manatee County, generally bounded by 37th Street East (a/k/a Mendoza Road) on the north, Ellenton-Gillette Road on the east, 29th Street East on the south, and the Seaboard Coast Line Railroad on the west. Through prior approvals, the Project has been approved for a maximum of two hundred sixty-four (264) residential units, consisting of forty-eight (48) lots for single-family detached residences, one hundred four (104) single-family residences on a single parcel, and one hundred twelve (112) multi family units with at least twenty-six (26) of the units designated as workforce housing. The Project is approved with a maximum height of thirty-five (35) feet for all uses.

PDMU-05-19(G)(R4) - NORTH-WEST SECTOR

DTS20110193
Request: An Ordinance of the Board of County Commissioners of Manatee County, Florida, amending and restating Ordinance PDMU-05-19(Z)(G)(R), PDMU-05-19(Z)(G)(R2) and PDMU-05-19(G)(R3) to amend the General Development Plan to:

- Reallocate single-family units among parcels;
- Add residential support as a use;
- Modify dimensional criteria;
- Allow design flexibility by revising restrictions on land use and design criteria;
- Amend stipulations to facilitate these changes;
- Update the phasing table to reflect legislatively approved extensions;

subject to stipulations as conditions of approval; setting forth findings; providing a legal description; providing for severability, and providing an effective date. The development has been approved for 4,422 residences, 200,000 square feet of commercial space, 105,000 square feet of office space and a 120 bed group care facility, generally east of Lakewood Ranch Boulevard, south of 44th Avenue East extension, west of Lorraine Road, and north of S.R. 70. A 39.3 ± acre parcel is west of Lakewood Ranch Boulevard (1,518.9 ± acres).

PDMU-05-09(P)(R2) - CENTRAL PARK

DTS20110194
An Ordinance of the Board of County Commissioners of Manatee County, Florida, approving an amended Zoning Ordinance and revised Preliminary Site Plan by amending the following:

- increase the residential units from 800 to 826;
- Allow residential support uses;
- Modify commercial parcels boundaries;
- Reallocate commercial square footage;
- Modify dimensional criteria;
- Allow design flexibility by removing restrictions on land uses and design criteria;
- Amend the Ordinance definitions, conditions, and terminology to reflect the above changes;

subject to stipulations as conditions of approval; setting forth findings; providing a legal description; providing for severability, and providing an effective date. The site is generally located east of Lakewood Ranch Boulevard, south of 44th Avenue East, north of Malachite Drive and west of Pope Road, Bradenton (372 ± acres).

PDR-04-01(P)(R) - RIVER'S REACH (FKA: WATER'S EDGE)

DTS20110162
An Ordinance of the Board of County Commissioners of Manatee County, Florida, amending Ordinance No. PDR-04-01(P) and the Preliminary Site Plan for the River's Reach Subdivision to:

1. increase the number of single-family residential lots from 257 to 326 (69 additional lots);
2. Modify the overall gross density from 1.03 dwelling units per acre to 1.31 dwelling units per acre;
3. Modify Phase 1 lot sizes from 80' wide to a minimum of 52' and modify the front and side yard setbacks;
4. Relocate existing recreational amenities in Phase 2; and
5. Change existing stipulations to reflect the above, update departmental references, and reflect current standards.

The River's Reach Subdivision (249.17+ acres) is within the PDR/NCO (Planned Development Residential/North Central Overlay) zoning district. The site is north of the Manatee River on the west side of North Rye Road, in Parrish; subject to stipulations as conditions of approval; setting forth findings; providing a legal description; providing for severability, and providing an effective date.

PDMU-92-01(G)(R13) SCHROEDER-MANATEE RANCH, INC. / UNIVERSITY LAKES

An Ordinance of the Board of County Commissioners of Manatee County, Florida, relating to land development, amending Stipulation Q.(1) of Ordinance PDMU-92-01(Z)(G)(R12) and amending the General Development Plan to reallocate 100 multi-family units from Parcel 53 to Parcel 15, 16,791 square feet of non-residential square footage from Parcel 15 to Parcel 4/5, and 255 hotel rooms from Parcel 15 to Parcel 4/5 and amending note 2(E) regarding Parcel 15; other minor amendments as necessary; setting forth findings; providing for severability; and providing an effective date.

University Lakes is at the north-east intersection of the University Parkway and I-75 interchange, south of SR70, north of University Parkway, and east of I-75 to the current boundary at three miles east of Lorraine Road. The present zoning is PDMU/WP-E/ST (Planned Development Mixed Use / Evers Reservoir Watershed Protection and Special Treatment Overlay District) (4,101.2 ± acres).

All interested parties are invited to appear at this public hearing and be heard, subject to proper rules of conduct. Additionally, any written comments filed with the Director of the Building and Development Services Department will be heard and considered by the Planning Commission and entered into the record.

It is important that all parties present their concerns to the Planning Commission in as much detail as possible. The issues identified at the Planning Commission hearing will be the primary basis for the final decision by the Board of County Commissioners. Interested parties may examine the Official Zoning Atlas, the applications, related documents, and may obtain assistance regarding these matters from the Manatee County Building and Development Services Department, 1112 Manatee Avenue West, 2nd Floor, Bradenton, Florida, telephone number (941) 748-4501x6878; e-mail to: planning.agenda@mymanatee.org

According to Section 286.0105, Florida Statutes, if a person decides to appeal any decision made with respect to any matters considered at such meetings or hearings, he or she will need a record of the proceedings, and for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record would include any testimony or evidence upon which the appeal is to be based.

Americans With Disabilities:
The Board of County Commissioners of Manatee County does not discriminate upon the basis of any individual's disability status. This non-discrimination policy involves every aspect of the Board's functions including one's access to and participation in public hearings. Anyone requiring reasonable accommodation for this meeting as provided for in the ADA, should contact Kaycee Ellis at 742-5800; TDD ONLY 742-5802 and wait 60 seconds, or FAX 745-3790.

THIS HEARING MAY BE CONTINUED FROM TIME TO TIME PENDING ADJOURNMENTS. MANATEE COUNTY PLANNING COMMISSION
Manatee County Building and Development Services Department
Manatee County, Florida
09/29/2011

Copy of Newspaper Advertising

Sarasota Herald Tribune

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LDA-11-01 - PDR-06-34(Z)(P)
PADDOCKS LAND VENTURE/THE PADDOCKS
 DTS#20110143

Request for approval of LDA-11-01 relating to the Paddock project, approved as PDR 06 34(Z)(P); providing for the applicant's construction of improvements at the intersection of Ellenton-Gillette Road and Mendoza Road; providing for the approval of an extended Certificate of Level of Service Compliance for public facilities for the Project; and providing for the extension of the Preliminary Site Plan approved for the Project. The Project is located on a 82.04± acre parcel of property located in Manatee County, generally bounded by 37th Street East (A/K/a Mendoza Road) on the north, Ellenton-Gillette Road on the east, 29th Street East on the south, and the Seaboard Coast Line Railroad on the west. Through prior approvals, the Project has been approved for a maximum of two hundred sixty-four (264) residential units, consisting of forty-eight (48) lots for single-family detached residences, one hundred four (104) single-family residences on a single parcel, and one hundred twelve (112) multi family units with at least twenty-six (26) of the units designated as workforce housing. The Project is approved with a maximum height of thirty-five (35) feet for all uses.

PDMU-05-19(G)(R4) - NORTHWEST SECTOR
 DTS20110183

Request: An Ordinance of the Board of County Commissioners, of Manatee County, Florida, amending and restating Ordinance PDMU-05-19(Z)(G)(R), PDMU-05-19(Z)(G)(R2) and PDMU-05-19(G)(R3) to amend the General Development Plan to:

- Reallocate single-family units among parcels;
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- Modify dimensional criteria;
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subject to stipulations as conditions of approval; setting forth findings; providing a legal description; providing for severability, and providing an effective date. The development has been approved for 4,422 residences, 200,000 square feet of commercial space, 105,000 square feet of office space and a 120 bed group care facility, generally east of Lakewood Ranch Boulevard, south of 44th Avenue East extension, west of Lorraine Road, and north of S.R. 70. A 39.3 ± acre parcel is west of Lakewood Ranch Boulevard (1,518.9 ± acres).

PDMU-05-09(P)(R2) - CENTRAL PARK
 DTS20110194

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- Increase the residential units from 800 to 828;
- Allow residential support uses;
- Modify commercial parcels boundaries;
- Reallocate commercial square footage;
- Modify dimensional criteria;
- Allow design flexibility by removing restrictions on land uses and design criteria;
- Amend the Ordinance definitions, conditions, and terminology to reflect the above changes;

subject to stipulations as conditions of approval; setting forth findings; providing a legal description; providing for severability, and providing an effective date. The site is generally located east of Lakewood Ranch Boulevard, south of 44th Avenue East, north of Malachite Drive and west of Pope Road, Bradenton (372 ± acres).

PDR-04-01(P)(R) - RIVER'S REACH (FKA: WATER'S EDGE)
 DTS20110182

An Ordinance of the Board of County Commissioners of Manatee County, Florida, amending Ordinance No. PDR-04-01 (P) and the Preliminary Site Plan for the River's Reach Subdivision to:

1. Increase the number of single-family residential lots from 257 to 328 (69 additional lots);
2. Modify the overall gross density from 1.03 dwelling units per acre to 1.31 dwelling units per acre;
3. Modify Phase 1 lot sizes from 80' wide to a minimum of 52' and modify the front and side yard setbacks;
4. Relocate existing recreational amenities in Phase 2; and
5. Change existing stipulations to reflect the above, update departmental references, and reflect current standards.

The River's Reach Subdivision (249.17 ± acres) is within the PDR/NCO (Planned Development Residential/North Central Overlay) zoning district. The site is north of the Manatee River on the west side of North Rye Road, in Parish; subject to stipulations as conditions of approval; setting forth findings; providing a legal description; providing for severability, and providing an effective date.

PDMU-92-01(G)(R13) SCHROEDER-MANATEE RANCH, INC./ UNIVERSITY LAKES

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All interested parties are invited to appear at this public hearing and be heard, subject to proper rules of conduct. Additionally, any written comments filed with the Director of the Building and Development Services Department will be heard and considered by the Planning Commission and entered into the record.

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THIS HEARING MAY BE CONTINUED FROM TIME TO TIME PENDING ADJOURNMENTS.
 MANATEE COUNTY PLANNING COMMISSION
 Manatee County Building and Development Services Department
 Manatee County, Florida

Date of pub: September 30, 2011











MANATEE COUNTY GOVERNMENT AGENDA MEMORANDUM

SUBJECT	LDA-11-01 – Local Development Agreement for The Paddocks Subdivision	TYPE AGENDA ITEM	Advertised Public Hearing – Consent
DATE REQUESTED	10/13/11 PC	DATE SUBMITTED/REVISED	10/05/11
BRIEFINGS? Who?	None	CONSEQUENCES IF DEFERRED	N/A
DEPARTMENT/DIVISION	Building & Development Services Division/ Comprehensive Planning and Public Hearings	AUTHORIZED BY TITLE	John Osborne , AICP, Planning and Zoning Administrator <i>JS</i>
CONTACT PERSON TELEPHONE/EXTENSION	Tony Rodriquez/-748-4501 X6879	PRESENTER/TITLE TELEPHONE/EXTENSION	Tony Rodriquez, County Transportation Planning Official/ 748-4501 X6879
ADMINISTRATIVE APPROVAL			

ACTION DESIRED INDICATE WHETHER 1) REPORT; 2) DISCUSSION; 3) FORM OF MOTION; OR 4) OTHER ACTION REQUIRED

Based upon the evidence presented, comments made at the public hearing, and finding the request to be consistent with the Manatee County Comprehensive Plan and Manatee County Land Development Code, I move to recommend approval of LDA-11-01 for The Paddocks Subdivision, as recommended by staff.

ENABLING/REGULATING AUTHORITY

Federal/State law(s), administrative ruling(s), Manatee County Comp Plan/Land Development Code, ordinances, resolutions, policy

Manatee County Comprehensive Plan and Manatee County Land Development Code.

BACKGROUND/DISCUSSION

- The request is for approval of an LDA for The Paddocks Subdivision which is located in Manatee county, generally bounded by 37th Street East (aka: Mendoza Road) on the north, Ellenton-Gillette Road on the east, 29th Street East on the south, and the Seaboard Coast Line Railroad on the west.
- In 2009 a rezone from A-1 (Suburban Agriculture) to PDR (Planned Development Residential) and Preliminary Site Plan approval for 264 residential units was granted on ±82.04 acres of the site.
- A CLOS was issued on 6/11/2009 and expires 6/11/2012. The CLOS was issued, conditioned upon the completion of the following:
 - At Ellenton-Gillette Road and Erie Road
 - (i) Add an exclusive eastbound to northbound left turn lane (75' queue length)
 - (ii) Add an exclusive northbound to westbound left turn lane (225' queue length)
 - (iii) Add an exclusive southbound to eastbound left-turn lane (125' queue length)
 - (iv) Add an exclusive eastbound to southbound right turn lane (325' storage length)
 - (v) Add an exclusive westbound to northbound right turn lane (50' storage length)
 - (vi) Add an exclusive northbound to eastbound right turn lane (925' storage length)
 - (vii) Add an exclusive southbound to westbound right turn lane (125' storage length)
 - At Ellenton-Gillette Road and Mendoza Road
 - (i) Add an exclusive southbound to eastbound left turn lane (450' queue length)
 - (ii) Signalize when warranted
 - At Ellenton-Gillette Road and 29th St E
 - (i) Signalize when warranted
- The Applicant's proportionate fair share mitigation for the CLOS Improvements is One Hundred Ninety-Five Thousand Five Hundred Thirteen and 49/100 Dollars (\$195,513.49); and
- The applicant submitted an LDA for a CLOS extension for an additional eight and two-thirds (8 2/3) years from its current expiration. Therefore, the CLOS, with approval of the LDA, would expire no sooner than February 11, 2021. The CLOS extension is being granted in exchange for the

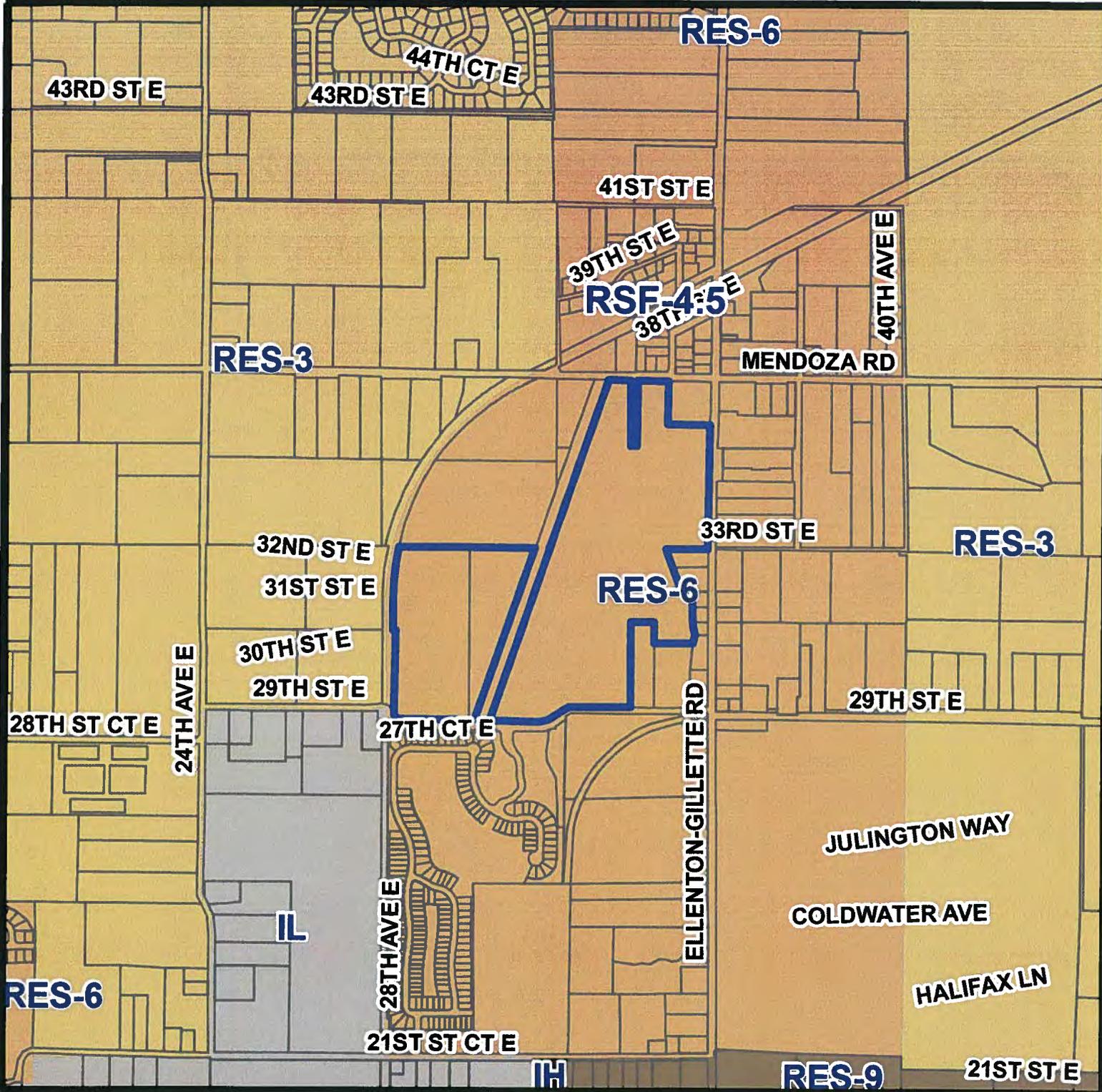
following:

- o Construction of a significant improvement to the intersection of 37th Street East (a/k/a Mendoza Road) and Ellenton-Gillette Road (the "Planned Improvement") which will create additional capacity in the County's roadway network.
 - ✓ This Planned Improvement is included in the County's approved Capital Improvements Plan.
 - ✓ The estimated cost for completing the Planned Improvement is Two Hundred One Thousand Two Hundred Sixteen and 00/100 Dollars (\$201,216.00).
- o Also, in accordance with the approved Preliminary Site Plan for the Project, the Applicant is required to dedicate rights-of-way for the following roadways on the County's Current and Future Thoroughfare Networks: (i) 37th Street East (a/k/a Mendoza Road); (ii) Ellenton-Gillette Road; and (iii) 29th Street East (the "Dedicated Lands").
 - ✓ The value of such Dedicated Lands is estimated to be Twenty-Eight Thousand and 00/100 Dollars (\$28,000.00).
 - ✓ The total value to the County of the Planned Improvement together with the Dedicated Lands is Two Hundred Twenty-Nine Thousand Two Hundred Sixteen and 00/100 Dollars (\$229,216.00).
 - ✓ The Applicant will be eligible for impact fee credits in accordance with Chapter 8 of the LDC for the design, permitting, construction and/or dedication of the Planned Improvement and for the dedication of the Dedicated Lands, but the Applicant has waived any entitlement to such impact fee credits.
- In accordance with state law and Section 510.9.2.2.1 of the LDC, the County is authorized to issue a CLOS for a term greater than three (3) years subject to the required public facilities and services being guaranteed in a Development Agreement.
- Staff recommends approval of this agreement.

COUNTY ATTORNEY REVIEW	
Check appropriate box	
<input checked="" type="checkbox"/>	REVIEWED Written Comments: <input type="checkbox"/> Attached <input checked="" type="checkbox"/> Available from Attorney (Attorney's initials: WEC)
<input type="checkbox"/>	NOT REVIEWED (No apparent legal issues.)
<input type="checkbox"/>	NOT REVIEWED (Utilizes exact form or procedure previously approved by CAO.)
<input type="checkbox"/>	OTHER

ATTACHMENTS: (List in order as attached)		INSTRUCTIONS TO BOARD RECORDS:	
1. Recommended LDA 2. Copy of Newspaper Advertising		n/a	
COST:	n/a	SOURCE (ACCT # & NAME):	n/a
COMMENTS:		AMT./FREQ. OF RECURRING COSTS: (ATTACH FISCAL IMPACT STATEMENT)	

FUTURE LAND USE



Parcel ID #(s) 772500209, 748200059, 772700109

Project Name: The Paddocks
 Project #: LDA-11-01
 DTS#: 20110143
 Proposed Use: Residential

S/T/R: Sec 6,5,8,7 Twn 34 Rng 18
 Acreage: 82.04
 Existing Zoning: PD-R
 Existing FLU: RES-6
 Overlays: NONE
 Special Areas: Greenway

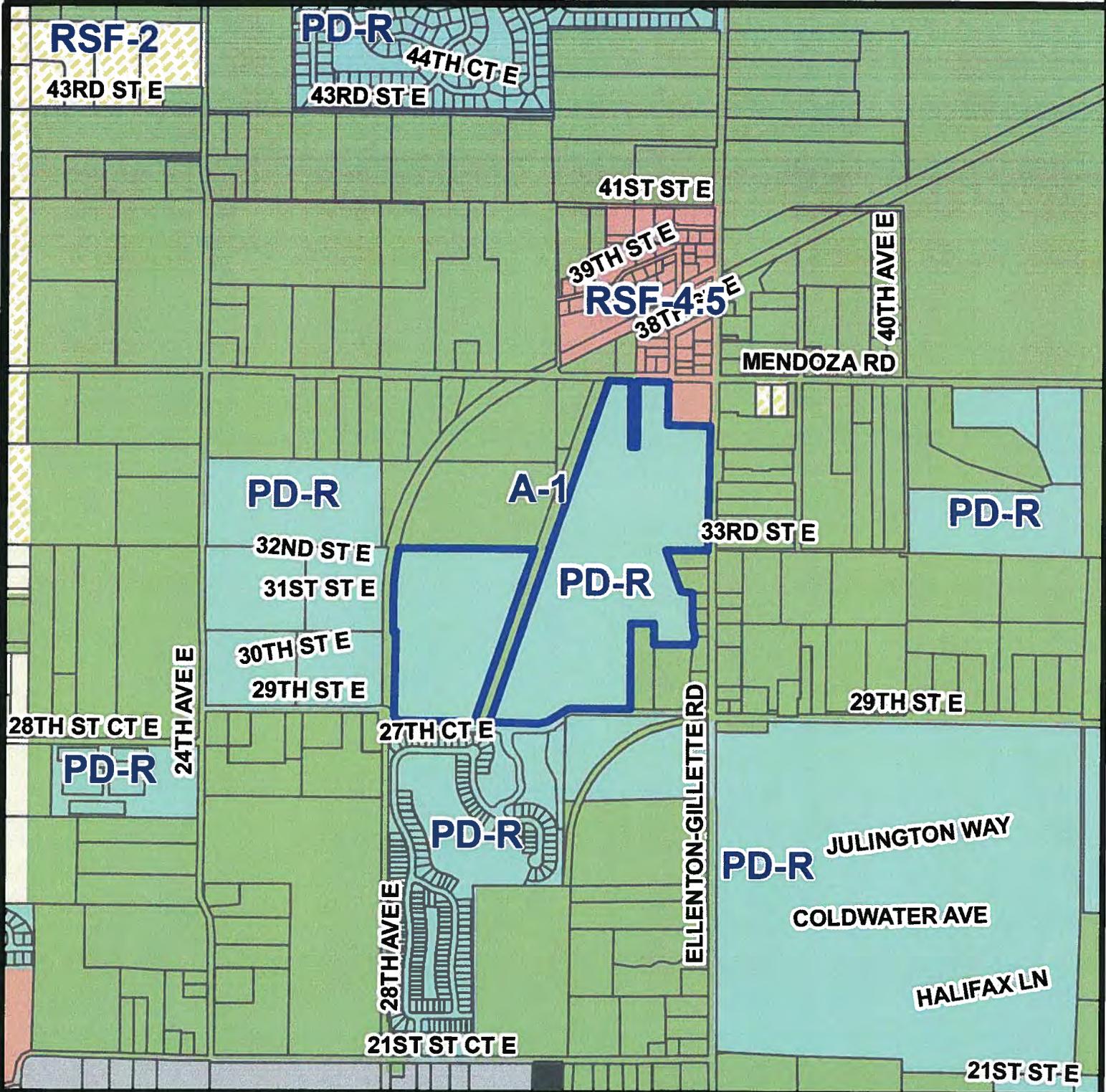
CHH: NONE
 Watershed: NONE
 Drainage Basin: MANATEE RIVER BL DAM
 Commissioner: Michael Gallen



Manatee County
 Staff Report Map
 Map Prepared 6/9/2011

1 inch = 1,035 feet

ZONING



Parcel ID #(s) 772500209, 748200059, 772700109

Project Name: The Paddocks
 Project #: LDA-11-01
 DTS#: 20110143
 Proposed Use: Residential

S/T/R: Sec 6,5,8,7 Twn 34 Rng 18
 Acreage: 82.04
 Existing Zoning: PD-R
 Existing FLU: RES-6
 Overlays: NONE
 Special Areas: Greenway

CHH: NONE
 Watershed: NONE
 Drainage Basin: MANATEE RIVER BL DAM
 Commissioner: Michael Gallen



Manatee County
 Staff Report Map
 Map Prepared 6/9/2011

1 inch = 1,035 feet

LOCAL DEVELOPMENT AGREEMENT

The Paddocks

Manatee County, Florida The Paddocks Land Venture

This **LOCAL DEVELOPMENT AGREEMENT** (the "Agreement") is made and entered into by and between **MANATEE COUNTY, FLORIDA**, a political subdivision of the State of Florida, (the "County") and **THE PADDOCKS LAND VENTURE**, a Florida general partnership, (the "Applicant").

WITNESSETH:

WHEREAS, the Applicant holds legal and equitable title to a ±82.04 acre parcel of real property (the "Project Site") located in Manatee County, generally bounded by 37th Street East (a/k/a Mendoza Road) on the north, Ellenton-Gillette Road on the east, 29th Street East on the south, and the Seaboard Coast Line Railroad on the west. A complete legal description for the Project Site is provided in **Exhibit "A"**, attached hereto and incorporated herein; and

WHEREAS, the Applicant intends to construct improvements (the "Project") within the Project Site; and

WHEREAS, the Applicant filed Zoning Application No. PDR-06-34(Z)(P) to allow residential uses within the PDR Zoning District, consisting of the construction of a proposed subdivision on the Project Site; and

WHEREAS, the County approved, with certain stipulations, said Zoning Application pursuant to Ordinance No. PDR-06-34(Z)(P) (the "Development Order"); and

WHEREAS, Section 163.3180, Florida Statutes, and Section 510 of the County's Land Development Code (the "LDC") requires that public facilities and services needed to support new development be available concurrent with the impact of such new development; and

WHEREAS, Section 163.3220 et seq., Florida Statutes, authorizes the County to enter into a Development Agreement; and

WHEREAS, Section 510.7 of the LDC provides that a Certificate of Level of Service compliance ("CLOS") may be issued contingent upon the construction of the necessary public facilities and services being guaranteed in an enforceable Development Agreement entered into pursuant to Section 163.3220 et seq., Florida Statutes; and

WHEREAS, the County has issued a CLOS without conditions for the public facilities related to recreation/open space, solid waste, and storm water management for the Project on the basis that the Project as proposed will not result in a reduction of the level of service standards for those facilities, as adopted by the County in its Comprehensive Plan; and

WHEREAS, the County has issued a CLOS for the public facilities related to transportation for the planned Two Hundred Sixty-four (264) residential units within the Project, conditioned upon the completion of certain roadway improvements (the “CLOS Improvements”) as follows:

- A. At Ellenton-Gillette Road and Erie Road
 - (i) Add an exclusive eastbound to northbound left turn lane (75' queue length)
 - (ii) Add an exclusive northbound to westbound left turn lane (225' queue length)
 - (iii) Add an exclusive southbound to eastbound left-turn lane (125' queue length)
 - (iv) Add an exclusive eastbound to southbound right turn lane (325' storage length)
 - (v) Add an exclusive westbound to northbound right turn lane (50' storage length)
 - (vi) Add an exclusive northbound to eastbound right turn lane (925' storage length)
 - (vii) Add an exclusive southbound to westbound right turn lane (125' storage length)

- B. At Ellenton-Gillette Road and Mendoza Road
 - (i) Add an exclusive southbound to eastbound left turn lane (450' queue length)
 - (ii) Signalize when warranted

- C. At Ellenton-Gillette Road and 29th St E
 - (i) Signalize when warranted

WHEREAS, with the CLOS Improvements in place, the planned Two Hundred Sixty-four (264) residential units within the Project will not result in a reduction of the level of service standards for transportation facilities, as adopted by the County in its Comprehensive Plan; and

WHEREAS, the Applicant’s proportionate fair share mitigation for the CLOS Improvements is One Hundred Ninety-Five Thousand Five Hundred Thirteen and 49/100 Dollars (\$195,513.49); and

WHEREAS, the Applicant desires to construct a significant improvement to the intersection of 37th Street East (a/k/a Mendoza Road) and Ellenton-Gillette Road (the “Planned Improvement”) which will create additional capacity in the County’s roadway network; and

WHEREAS, the Planned Improvement is included in the County’s approved Capital Improvements Plan; and

WHEREAS, the estimated cost for completing the Planned Improvement is Two Hundred One Thousand Two Hundred Sixteen and 00/100 Dollars (\$201,216.00); and

WHEREAS, in accordance with the Approved Preliminary Site Plan for the Project, the Applicant is required to dedicate rights-of-way for the following roadways on the County’s

Current and Future Thoroughfare Networks: (i) 37th Street East (a/k/a Mendoza Road); (ii) Ellenton-Gillette Road; and (iii) 29th Street East (the “Dedicated Lands”); and

WHEREAS, the value of such Dedicated Lands is estimated to be Twenty-Eight Thousand and 00/100 Dollars (\$28,000.00); and

WHEREAS, the total value to County of the Planned Improvement together with the Dedicated Lands is Two Hundred Twenty-Nine Thousand Two Hundred Sixteen and 00/100 Dollars (\$229,216.00); and

WHEREAS, in accordance with state law and Section 510.9.2.2.1 of the LDC, the County is authorized to issue a CLOS for a term greater than three (3) years subject to the required public facilities and services being guaranteed in a Development Agreement; and

WHEREAS, the Applicant will be eligible for impact fee credits in accordance with Chapter 8 of the LDC for the design, permitting, construction and/or dedication of the Planned Improvement and for the dedication of the Dedicated Lands, but the Applicant has herein waived any entitlement to such impact fee credits; and

WHEREAS, the County and the Applicant agree that the CLOS for the Project shall be modified to reflect the terms of this Development Agreement; and

WHEREAS, the first of two required public hearings for the approval of this Development Agreement was held by the Board of County Commissioners (the “Board”) on _____, and the second such public hearing was held by the Board on _____, at which time the Board approved this Development Agreement, finding it consistent with the County’s Comprehensive Plan, and authorized the Chairman to execute this Development Agreement on behalf of the County.

NOW, THEREFORE, in consideration of the mutual promises and covenants contained herein, the parties hereby agree as follows:

**ARTICLE I
STANDARD LOCAL DEVELOPMENT
AGREEMENT PROVISIONS**

1.1. Recitals. The above recitals are true and correct and are incorporated herein by reference.

1.2. Description of Development Uses. Pursuant to the Development Order, the Project shall be developed to include a maximum of two hundred sixty-four (264) residential units, consisting of forty-eight (48) lots for single-family detached residences, one hundred four (104) single-family residences on a single parcel, and one hundred twelve (112) multi-family units with at least twenty-six (26) of the units designated as workforce housing. The maximum permitted height of any structure within the Project Site is thirty-five (35) feet, measured pursuant to the applicable provisions of the LDC pertaining to maximum height of structures.

The Project Site is located within the Planned Development Residential (PDR) Zoning District and within the RES-6 (Residential – 6 dwelling units per acre) Future Land Use Classification of the Comprehensive Plan.

1.3. Ownership of Land Subject to Development Agreement. A legal description of the land subject to this Agreement (i.e., the Project Site) is attached hereto and incorporated herein as **Exhibit “A”**. The current legal and equitable owner of the Project Site is the Applicant (i.e., The Paddocks Land Venture, a Florida general partnership).

1.4. Description of Public Facilities. The following public facilities and services will serve the Project Site:

A. **Potable Water:** The County will provide Potable Water Services to the Project Site in sufficient quantity to serve any development thereon, as and when actually constructed, via transmission lines and related facilities which are already in place or which will be constructed, as the case may be. If such facilities are not otherwise in place or available to serve the Project Site, the Applicant agrees and understands that it may be responsible for such construction prior to receiving one or more approvals necessary to develop the Project Site. In no case will a certificate of occupancy be issued for any improvement requiring potable water service until such time as the facilities necessary to provide such potable water service have been accepted by the County.

B. **Sanitary Sewer:** The County will provide Sanitary Sewer Services to the Project Site in sufficient quantity to serve any development thereon, as and when actually constructed, via transmission lines and related facilities which are already in place or which will be constructed, as the case may be. If such facilities are not otherwise in place or available to serve the Project Site, the Applicant agrees and understands that it may be responsible for such construction prior to receiving one or more approvals necessary to develop the Project Site. In no case will a certificate of occupancy be issued for any improvement requiring sanitary sewer service until such time as the facilities necessary to provide such sanitary sewer service have been accepted by the County.

C. **Solid Waste:** The County does and will provide Solid Waste Management Services to the Project Site to serve any development thereon, as and when actually constructed, via facilities which are already in place.

D. **Recreation/Open Space:** The County does and will provide Recreation/Open Space Services to the Project Site in sufficient quantity to serve any development thereon, as and when actually constructed, via facilities which are already in place or which will be constructed, as the case may be. If such facilities are not otherwise in place or available to serve the Project Site, the Applicant agrees and understands that it may be responsible for such construction prior to receiving one or more approvals necessary to develop the Project Site.

E. **Storm Water Management:** The Applicant shall design and construct any needed storm water management facilities on the Project Site in compliance with County

standards, SWFWMD regulations, and other applicable law such that any new development thereon shall meet concurrency requirements for storm water and not result in degradation of the adopted level of service.

F. Transportation: The issuance of a Certificate of Level of Service Compliance (“CLOS”) in accordance with the below Section 2.3 and other applicable law shall be conclusive evidence that all transportation concurrency requirements have been met and that the associated development on the Project Site will not result in degradation of the adopted level of service.

1.5. Consistency With Comprehensive Plan. The Planning Commission, in its capacity as the Local Planning Agency of the County, on May 21, 2009, and the Board of County Commissioners on June 4, 2009, specifically found the Project, as detailed and conditioned in Ordinance No. PDR-06-34(Z)(P), consistent with the County’s Comprehensive Plan and land development regulations.

1.6. Permits Required. The following is a description of all local development permits approved or needed to be approved for the Project:

- One or more Zoning Map Amendments;
- One or more General Development Plans;
- One or more Preliminary Site Plans;
- One or more Final Site Plans;
- One or more Construction Plans;
- One or more Preliminary Plats;
- One or more Final Plats;
- One or more Special Approvals in accordance with the Comprehensive Plan of Manatee County;
- One or more Specific Approvals in accordance with the requirements of the LDC;
- One or more Access and Driveway Permits;
- One or more Building Permits; and
- One or more Certificates of Occupancy or of Completion.

1.7. Omission from Development Agreement. The failure of this Agreement to address a particular permit, condition, term, or restriction shall not relieve the Applicant of the

necessity of complying with the law, including without implied limitation the applicable provisions of the County's Comprehensive Plan or Land Development Code.

ARTICLE II REQUIRED AND PLANNED IMPROVEMENTS

2.1. Dedication of Rights-of-Way. In accordance with the Approved Preliminary Site Plan for the Project, the Applicant shall dedicate the Dedicated Lands within three (3) months following the Effective Date of this Agreement.

2.2. Construction of the Planned Improvement. To satisfy the concurrency requirements for the Two Hundred Sixty-four (264) units within the Project, the Applicant and County agree that the Applicant shall complete the north and south legs of the reconfiguration of the intersection of 37th Street East (a/k/a Mendoza Road) and Ellenton-Gillette Road (the "Planned Improvement"), pursuant to the County-approved conceptual design of the intersection, described in **Exhibit "B"**, attached hereto and incorporated herein. Such construction to be in conformance with the provisions set forth below in this Section 2.2.

A. The Applicant shall begin the design and permitting of the Planned Improvement with six (6) months following the Effective Date of this Agreement and shall continue with the permitting and construction thereafter to diligently pursue the construction with a target date of completion of twenty-four (24) months after such Effective Date and a required completion date of five (5) years from such Effective Date, subject to reasonable extensions for events beyond the control of the Applicant.

B. The County warrants that it currently possesses a sufficient easement or ownership interest in all right-of-way needed for the Planned Improvement, including without implied limitation any pond sites needed for storm water retention and treatment. If at any time it is determined that additional right-of-way is necessary, the County shall obtain any additional right-of-way that may be needed to successfully complete the Planned Improvement, and the Applicant's time to complete the Planned Improvement shall be tolled until the County notifies the Applicant in writing that it has obtained sufficient interest in such additional, needed right-of-way.

C. The Applicant shall prepare all necessary drawings to obtain the approvals from FDOT (if necessary), SWFWMD (if necessary), other applicable regulatory agencies, and the County Administrator (or his designee) as set forth herein with respect to the Planned Improvement.

D. The Applicant shall obtain, and shall provide to the County at the County's request, copies of all permits, approvals, and authorizations required for the construction of the Planned Improvement from all governmental agencies exercising jurisdiction, including without implied limitation the Florida Department of Transportation, the Southwest Florida Water Management District, and Manatee County. The County shall cooperate in the permitting efforts and shall sign off on any permit applications if required by any permitting agency.

E. Approval of the plans described in the above Section 2.2.C by the County Administrator (or his designee) shall be given in writing. The County agrees to diligently proceed with and complete its review of the plans for the Planned Improvement, respond to the Applicant as soon as reasonably possible after receipt thereof, and advise the Applicant in writing of the County's comments and objections, if any, thereto. After receiving the approval, the Applicant shall construct and install the Planned Improvement in conformity with the plans and specifications approved by any applicable regulatory agencies, and the County Administrator.

F. If the Planned Improvement has not been completed prior to the approval of the first Final Plat for the Project, the Applicant shall post a payment and performance bond, letter of credit, or other adequate performance security acceptable to the County in an amount equal to one hundred thirty percent (130%) of the projected cost to complete the Planned Improvement as estimated by the Applicant's engineer and approved by the County, which performance security shall guarantee the Applicant's commitment to construct the Planned Improvement. However, no such performance security shall be required if the Applicant has posted adequate performance security pursuant to, or as condition of, any permit applied for and issued in accordance with the above Section 2.2.D.

G. The County Administrator, by and through his authorized agent, shall have the right at all reasonable times during the term of this Agreement to inspect the site of the construction of the Planned Improvement. The Planned Improvement shall be constructed in a good and workmanlike manner, in compliance with the plans and specifications as approved by the County Administrator and other regulatory agencies as applicable. The Applicant shall correct any deficiencies in the construction of the Planned Improvement which are determined by the County Administrator or other regulatory authorities to be not in compliance with the plans and specifications.

H. Upon completion of construction of the Planned Improvement, the Applicant shall furnish the County Administrator with an affidavit from its licensed general contractor(s) and firms and corporations which have supplied labor and materials used directly or indirectly in the construction of the Planned Improvement that each has been paid in full and have no outstanding construction liens, whether recorded or not, associated with the Planned Improvement. Applicant shall furnish one (1) set of reproducible as-built plans, at the Applicant's sole expense, to the County Administrator upon completion of construction.

I. The Applicant shall be responsible for notifying in writing any utilities affected by the installation of the Planned Improvement. As the Planned Improvement is ultimately a County roadway construction project, the County shall provide any assistance reasonably necessary to ensure that such utilities move or remove their facilities expeditiously such that delays in construction of the Planned Improvement are eliminated or minimized.

J. The Applicant shall be responsible, at the Applicant's sole expense and to the satisfaction of the County Administrator, for the removal of all construction materials and

equipment along the roads and intersections which are being improved as described in the above Section 2.2.A above at the conclusion of the installation of the Planned Improvement.

K. The Applicant shall promptly comply with all applicable laws, ordinances, and regulations, whether municipal, county, state, or federal, pertaining to the construction of the Planned Improvement.

L. Prior to the start of any physical construction of the Planned Improvement, the Applicant shall provide a temporary traffic maintenance plan pertaining to the construction of the Planned Improvement to ensure the safe movement of vehicles and pedestrians in conformance with the requirements of the County Administrator during construction.

M. Neither party shall be liable for any failure or delay in performance under this Development Agreement to the extent any such failure or delay is proximately caused by causes beyond that party's reasonable control and occurring without its fault or negligence. Dates by which performance obligations are scheduled to be met will be extended for a period of time equal to the time lost due to any delay so caused.

2.3. Duration of CLOS Approval. Upon the effective date of this Development Agreement as specified in Section 5.7, the County shall extend the expiration of the CLOS for the Project for an additional eight and two-thirds (8 2/3) years from its current expiration. Therefore, the CLOS shall be extended such that it will expire no sooner than February 11, 2021. Such CLOS shall be issued for the public facilities and services covered by this Development Agreement, including transportation, recreation/open space, solid waste, and storm water, and shall be conditioned only upon the Applicant complying with the terms of this Development Agreement. The CLOS for potable water and sanitary sewer shall be issued separately, and the expiration of a CLOS for such facilities, as well as any and all other public facilities, shall coincide with the expiration date set forth herein unless otherwise limited by applicable law or agreement.

2.4. Duration of Site Plan Approvals. Upon the effective date of this Development Agreement as specified in Section 5.7, the County shall extend pursuant to Section 508.8.2.4 of the LDC the expiration date of the existing Preliminary Site Plan approval for the Project to coincide with the expiration of the CLOS for the Project, as extended pursuant to the above Section 2.3.

ARTICLE III WAIVER OF IMPACT FEE CREDITS

The Applicant hereby waives any entitlement to Impact Fee Credits pursuant to Chapter 8 of the County's Land Development Code for the design, permitting, construction, and/or dedication of the Planned Improvement and for the dedication of the Dedicated Lands.

ARTICLE IV SATISFACTION OF DEVELOPMENT ORDER CONDITIONS

The construction of the Planned Improvement in accordance with the above Section 2.2 shall constitute the Applicant's complete performance and satisfaction of its obligations pursuant to the CLOS. Those CLOS Improvements which are not included as part of the Planned Improvement are hereby waived by the County.

ARTICLE V MISCELLANEOUS PROVISIONS

5.1. Attorneys' Fees. Should either party file an action to enforce any of the provisions hereof or to recover damages for the breach of this Agreement, the prevailing party shall be entitled to recover from the non-prevailing party or parties all reasonable fees, costs, charges, and expenses, including without implied limitation attorneys' fees and expenditures incurred in connection therewith from the initial pleading through trial, appeal, and collection.

5.2. Choice of Law and Venue. This Agreement shall be construed, and the rights and obligations of the parties hereunder shall be determined, in accordance with the laws of the State of Florida. Venue for any litigation pertaining to the subject matter hereof shall be exclusive in Manatee County, Florida, unless prohibited by law.

5.3. Partial Invalidity. If any part of this Agreement shall be determined to be invalid or unenforceable by a court of competent jurisdiction, the remainder of this Agreement shall remain in full force and effect, provided that the part of this Agreement thus invalidated or declared unenforceable is not material to the intended operation of this Agreement.

5.4. Integration. This Agreement incorporates and includes all prior negotiations, correspondence, conversations, agreements, and understandings applicable to the matters contained herein, and the parties agree that there are no commitments, agreements, or understandings concerning the subject matter of this Agreement that are not contained herein. Accordingly, it is agreed that no deviation from the terms hereof shall be predicated upon any prior representations or agreements, whether oral or written. It is further agreed that no modification, amendment, or alteration in the terms or conditions contained herein shall be effective unless set forth in a written document executed with the same formality and of equal dignity herewith.

5.5. Designation of Agents. The County hereby designates _____ as its agent, and the Applicant hereby designates Hal Lutz as its agent. Each party agrees that its agent, or his or her designee, shall be responsible for the administration of this Agreement and shall be duly authorized to perform and request all acts necessary for the administration and performance of this Agreement. Each party may change its designated agent at any time by providing written notice to the other party.

5.6. Notices. Every notice required under this Agreement, if in writing, shall be deemed to have been given or served at the time the same is received if hand delivered, or at the time the same is deposited in the United States mail, postage prepaid, addressed to the County or the Applicant as provided below, until either party gives written notice of a different agent or address:

If to the Applicant:

The Paddocks Land Venture
c/o Metropolis Holdings, Inc.
455 North Cityfront Plaza Drive, #2400
Chicago, Illinois 60611
Attn: President & Senior Vice President

With Copies to:

Caleb J. Grimes, Esquire
Grimes Goebel Grimes Hawkins
Gladfelter & Galvano, P. L.
1023 Manatee Avenue West
Bradenton, Florida 34205

Hal Lutz
3909 101st Avenue East
Parrish, Florida 34219

If to the County:

County Administrator
Manatee County
P.O. Box 1000
Bradenton, Florida 34206

With Copies to:

Director, Public Works Department
Manatee County
1026 26th Avenue East
Bradenton, Florida 34208

Director, Planning Department
Manatee County
P.O. Box 1000
Bradenton, Florida 34206

County Attorney
Manatee County
P.O. Box 1000
Bradenton, Florida 34206

Each party may update at any time the above information for purposes of all future notices by providing written notice to the other party.

5.7. Effective Date. This Agreement shall not become effective until the latest of the following: (i) the Agreement is fully executed by both parties and all time for appeals of the Agreement have expired; (ii) the Agreement has been recorded in the Public Records in and for Manatee County, Florida, at the expense of the Applicant; and (iii) thirty (30) days after having been received by the Florida Department of Community Affairs (the "Effective Date").

5.8. Duration. This Agreement shall remain in effect for fifteen (15) years following the Effective Date or until both parties have fully performed all obligations required pursuant to this Agreement, whichever is earlier.

5.9. Rights of Parties. Except as otherwise provided in this Agreement, each party reserves all rights with respect to any claims, defenses or causes of action not covered by this Agreement, including, but not limited to, eminent domain, inverse condemnation, or any other court actions under Florida law.

5.10. Recording of this Agreement. The Clerk of the Circuit Court of Manatee County, as Clerk to the Board of County Commissioners, (the "Clerk") shall record this Development Agreement in the Public Records of Manatee County, Florida, no later than fourteen (14) days after the execution of this Agreement by all parties. The Applicant shall bear the full expense of recording this Agreement. Additionally, the Clerk shall mail a recorded copy of this Agreement to the State of Florida Department of Community Affairs by certified mail, return receipt requested no later than fourteen (14) days after the recordation of this Development Agreement. The County shall record a notice in the Public Records of Manatee County to reflect the date indicated on the return receipt card to establish the date of receipt by the Department of Community Affairs.

5.11. Successors, Transferees and Assigns. This Agreement shall run with the land. The burdens of this Agreement shall be binding on, and the benefits of this Agreement shall inure to, the parties and their respective successors, transferees, and assigns, including all mortgagees of any party.

5.12. No Development Rights Conferred. The parties understand, acknowledge, and agree that nothing contained in this Agreement shall:

A. Create any development rights in favor of the Applicant not already approved by the County or otherwise expressly conferred pursuant to Article xx hereof;

B. Create, alter, terminate, or otherwise acknowledge the existence of any vested development rights by reason of estoppel, detrimental reliance, or otherwise;

C. Authorize, permit, or otherwise allow any building, construction, and/or development of or on the Applicant's property.

5.13. Equal Construction. Each of the parties hereto has had the benefit of representation by counsel and equal input into drafting of this Agreement such that no provision of this Agreement shall be strictly construed against one party as the drafter thereof.

*[THIS SPACE INTENTIONALLY LEFT BLANK]
[SIGNATURE PAGES FOLLOW]*

IN WITNESS WHEREOF, the parties hereto have executed this Agreement, by and through their duly authorized representatives, on the respective dates below.

MANATEE COUNTY, FLORIDA, a political subdivision of the State of Florida

By: Board of County Commissioners

By: _____
Carol Whitmore, Chairman

Date: _____

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

By: _____
Deputy Clerk

The Paddocks Land Venture

By: _____
Tom Prescott, President

Date: _____

WITNESSES:

Print Name: _____

Print Name: _____

STATE OF _____
COUNTY OF _____

The foregoing instrument was acknowledged before me this ____ day of _____, 2011, by Tom Prescott, as President of The Paddocks Land Venture. He is personally known to me and did not take an oath.

(Seal)

Notary Public, State of _____
Print Name: _____

Exhibit "A"

Legal Description of the Project Site

PARCEL 1:

A PARCEL OF LAND LYING AND BEING IN SECTION 5, 6, 7 & 8, TOWNSHIP 34 SOUTH, RANGE 18 EAST, MANATEE COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE COMMON SECTION CORNER OF SAID SECTIONS 5, 6, 7 & 8; THENCE S 00°35'37" E, ALONG THE EAST LINE OF SAID SECTION 7 AND WEST LINE OF SAID SECTION 8, A DISTANCE OF 1216.99 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF 29TH STREET EAST, SAID POINT BEING THE POINT OF BEGINNING; THENCE N 89°50'38" E, ALONG SAID NORTH RIGHT-OF-WAY LINE, A DISTANCE OF 77.00 FEET; THENCE N 88°03'44" E, ALONG SAID NORTHERLY RIGHT-OF-WAY LINE, A DISTANCE OF 485.41 FEET; THENCE N 00°34'48" W, 645.15 FEET; THENCE N 89°57'01" E, 171.60 FEET; THENCE S 00°31'26" E, 150.00 FEET; THENCE N 89°52'27" E, 286.36 FEET; THENCE N 00°53'36" W, 382.30 FEET; THENCE S 89°45'36" W, 79.95 FEET THENCE N 21°23'24" W, 343.75 FEET TO A POINT ON THE NORTH LINE OF AFOREMENTIONED SECTION 8; THENCE N 89°54'16" E, ALONG SAID NORTH LINE, A DISTANCE OF 320.05 FEET TO A POINT ON THE WEST RIGHT-OF-WAY LINE OF ELLENTON-GILLETTE ROAD; THENCE N 00°25'53" E, ALONG SAID WEST RIGHT-OF-WAY LINE, A DISTANCE OF 1275.24 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF MENDOZA ROAD; THENCE S 90°00'00" W, ALONG SAID RIGHT-OF-WAY LINE, A DISTANCE OF 782.89 FEET TO THE EAST LINE OF A 105 FOOT WIDE LANDING STRIP; THENCE S 19°02'44" W, ALONG THE SAID EAST LINE, A DISTANCE OF 2750.12 FEET TO A POINT ON THE AFOREMENTIONED NORTH RIGHT-OF-WAY LINE OF 29TH STREET EAST; THENCE N 89°20'01" E, ALONG SAID RIGHT-OF-WAY LINE, A DISTANCE OF 478.15 FEET; THENCE N 45°38'24" E, ALONG SAID RIGHT-OF-WAY LINE, A DISTANCE OF 96.93 FEET TO A POINT ON THE AFOREMENTIONED EAST LINE OF SECTION 7; THENCE N 00°35'37" W, ALONG SAID EAST LINE A DISTANCE OF 36.00 FEET TO THE POINT OF BEGINNING.

LESS ROAD RIGHT-OF-WAYS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THAT CERTAIN PORTION OF A ROAD (ALSO KNOWN AS 34TH AVENUE EAST) LYING BETWEEN LOTS 34 AND 35 ON THE WEST AND LOT 22 ON THE EAST, ONAHOM FARMS, AS PER PLAT THEREOF RECORDED IN PLAT BOOK 6, PAGE 81, PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA, NOT VACATED BY RESOLUTION BY BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, AND RECORDED IN O.R. BOOK 185, PAGE 441; THAT PORTION OF A ROAD (ALSO KNOWN AS 35TH AVENUE EAST) LYING SOUTH OF THE SOUTH RIGHT-OF-WAY OF MENDOZA ROAD, EAST OF LOT 22, ONAHOM FARMS, AS PER PLAT THEREOF RECORDED IN PLAT BOOK 6, PAGE 81, PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA, AND WEST OF BLOCK 20, ONAHOM FARMS, AS PER PLAT THEREOF RECORDED IN PLAT BOOK 6, PAGE 81, PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA AND THAT PORTION OF A ROAD LYING NORTH OF LOT 21, ONAHOM FARMS, AS PER PLAT THEREOF RECORDED IN PLAT BOOK 6, PAGE 81, PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA, SOUTH OF BLOCK 20, ONAHOM FARMS, AS PER PLAT THEREOF RECORDED IN PLAT BOOK 6, PAGE 81, PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA AND WEST OF THE WEST RIGHT-OF-WAY OF ELLENTON-GILLETTE ROAD.

AND

PARCEL 2:

THAT PART OF THE WEST 1/2 OF THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 7, TOWNSHIP 34 SOUTH, RANGE 18 EAST, MANATEE COUNTY, FLORIDA LYING EAST OF THE EAST RIGHT-OF-WAY LINE OF ABANDONED SEABOARD COAST LINE RAILROAD.

TOGETHER WITH:

COMMENCE AT THE NORTHEAST CORNER OF SECTION 7, TOWNSHIP 34 SOUTH, RANGE 18 EAST, MANATEE COUNTY, FLORIDA; THENCE S89°36'13"W, ALONG THE NORTH LINE OF SAID SECTION 7, A DISTANCE OF 188.13 FT. TO THE WESTERLY RIGHT-OF-WAY LINE OF A LANDING STRIP FOR A POINT OF BEGINNING; THENCE CONTINUE S89°36'13"W, ALONG SAID NORTH LINE, A DISTANCE OF 471.87 FT. TO THE NORTH WEST CORNER OF THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 7; THENCE S00°14'44"E, A DISTANCE OF 1323.00 FT. TO THE SOUTH LINE OF THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4 OF SAID SECTION 7; THENCE S89°57'47"E, ALONG SAID SOUTH LINE, A DISTANCE OF 8.34 FT. TO THE SOUTHWEST CORNER OF THE AFOREMENTIONED LANDING STRIP; THENCE N19°02'44"E, ALONG THE WESTERLY BOUNDARY LINE OF SAID LANDING STRIP, A DISTANCE OF 1403.06 FT. TO THE POINT OF BEGINNING.

SUBJECT TO:

AN EASEMENT FOR INGRESS AND EGRESS OVER AND ACROSS THE FOLLOWING DESCRIBED PROPERTY: COMMENCE AT THE COMMON SECTION CORNER OF SECTIONS 5, 6, 7 AND 8, TOWNSHIP 34 SOUTH, RANGE 18 EAST, MANATEE COUNTY, FLORIDA; THENCE S00°35'37"E, ALONG THE EAST LINE OF SAID SECTION 7, A DISTANCE OF 1216.99 FT. TO A CONCRETE MONUMENT; THENCE CONTINUE S00°35'37"E TO THE NORTH RIGHT-OF-WAY LINE OF 29TH STREET EAST, A DISTANCE OF 36.00 FEET; THENCE S45°38'24"W, ALONG SAID NORTH RIGHT-OF-WAY LINE, A DISTANCE OF 96.93 FT.; THENCE S89°20'01"W, ALONG SAID NORTH RIGHT-OF-WAY LINE, A DISTANCE OF 564.69 FT. FOR A POINT OF BEGINNING; THENCE CONTINUE S89°20'01"W, ALONG SAID NORTH RIGHT-OF-WAY LINE, A DISTANCE OF 25.00 FT.; THENCE N19°02'44"E, 74.12 FT.; THENCE S00°39'59"E, 69.78 FT. TO THE POINT OF BEGINNING.

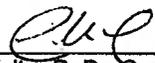
Exhibit "B"

Planned Improvement

Improvements at the Intersection of Mendoza Road
and Ellenton Gillette Road
(additional 3 left turn lanes)

Preliminary Engineer's Opinion of Cost

October 2009


Walter R. De Goes, P.E. #67380

Lombardo, Foley & Kolarik, Inc.
P.O. Box 188
Palmetto, FL 34220-0188
(941) 722-4561
Fax: (941) 729-6248

Introduction:

The client has requested the preliminary opinion of cost for the proposed work. The quantities were based on a conceptual design discussed with Manatee County Public Works Department. The Manatee County engineers provided guidance on the requirements and geometry of the project. No construction plans are available for this project. Therefore, this report is an approximate estimation of the total cost of the proposed improvements.

The task is to add left turn lanes at the intersection of Mendoza Road and Ellenton Gillette Road at the northbound and southbound approaches of Ellenton Gillette Road, and at the eastbound approach of Mendoza Road. The project does not include the turn lane on the westbound approach of Mendoza Road because the existing pavement on that road section was constructed closer to the existing drainage ditch. The construction of a turn lane on this section of Mendoza Road would require a full ERP application for SWFWMD providing treatment and attenuation for the additional impervious. We did not believe that the additional cost of land acquisition for the construction of a stormwater facility for treatment and attenuation or the construction of a conveyance system would be desirable for this project. The roads have a rural configuration with drainage ditches on both sides of the existing pavement. The right-of-way width in both roads varies, however the minimum width available is 60-feet.

The preliminary design determined that the queue length for Mendoza Road would be 50 ft. and the queue length for Ellenton Gillette Road would be 100 ft. The storage and taper for both roadways would be 290 ft. of storage and 150 ft. of taper. Based on this preliminary design the total roadway widening for Mendoza will be 490 ft. and the total roadway widening for Ellenton Gillette will be 540 ft. for each of the proposed turn lanes.

The existing pavement width in both roads is 22 feet (11 feet for each lane). The project proposes to construct additional 11 feet for the turn lane, 5.5 feet of pavement on each side of the existing pavement. We are proposing to have the existing pavement overlaid with 3/4" of asphalt and the proposed additional pavement to have two lifts of asphalt with 1" and 3/4", 8" base course and 12" stabilized subbase, as per Manatee County Transportation Specifications for a two lane suburban road. The additional 5.5' of pavement needs to be added without relocating the existing drainage ditches. We do not have an exact location of the ditches but it appears that the construction will not impact the existing drainage ditches.

LF&K had a meeting with Southwest Florida Water Management District to discuss the widening of the roads and its requirements. David Sua (SWFWMD) informed that the exemption rules for turn lane construction are depicted in Chapter 40D-4.051(13), F.A.C. and described below:

- each proposed turn lane must be less than 0.25 mile long
- the existing roadway drainage ditches need to remain as is.
- no wetland or other surface water impacts can be done.

The proposed project has turn lanes with less than 0.25 mile long, and the existing ditches will be maintained as is. The project environmental consultant (Steinbaum and Associates, Inc) visited the site and determined that no wetlands exist on the proposed project area; however, some of the ditches are classified as "other surface water."

The construction needs to occur without any encroachment on the existing drainage ditches.

The total estimated cost for the improvements is described on the following pages. We met with some utility companies (FPL and Peace River Electric) to verify the need to relocate existing poles. We estimate some additional budget for telephone and cable companies to relocate some residential services. We believe it is not necessary to relocate the existing water main on the west side of Ellenton Gillette Road right-of-way. Two fire hydrants are in the project area and we have additional contingency money for their relocation if required. The cost estimate also considers engineering design, survey and environmental consulting fees. The agencies review fees are not part of the cost estimate. The SWFWMD fee for this project is \$100.00, and the county fee to review construction plans is \$725.00 plus inspection fees. A warranty bond may be required.

Preliminary Quantities Takeoff

Ellenton Road

Turn lane length = $100' + 290' + 150' = 540'$

Northbound and southbound = $2 \times 540 = 1,080' + 100'$ (intersection)

Total: 1,180'

Area of existing asphalt = $1,180' \times 22 = 25,960 \text{ SF} = \underline{2,900 \text{ SY}}$

Area of additional asphalt = $1,180' \times 11 = 12,980 \text{ SF} = \underline{1,450 \text{ SY}}$

Area of base to be added = $1,180' \times 13' = 15,340 \text{ SF} = \underline{1,700 \text{ SY}}$

Area of subbase to be added = $1,180' \times 15' = 17,700 \text{ SF} = \underline{1,960 \text{ SY}}$

Mendoza Road

Turn lane = 490'

Eastbound existing pavement = 490'

Area of existing asphalt = $490' \times 22 = 10,780 \text{ SF} = \underline{1,200 \text{ SY}}$

Area of additional asphalt = $490' \times 11 = 5,390 \text{ SF} = \underline{600 \text{ SY}}$

Area of additional base = $490' \times 13' = 6,370 \text{ SF} = \underline{700 \text{ SY}}$

Area of additional subbase = $490' \times 15' = 7,350 \text{ SF} = \underline{820 \text{ SY}}$

**Preliminary Engineer's Opinion of Cost
for
The Left Turn Lanes at Ellennton Gillette Rd.
and Mendoza Rd.**

PAY ITEMS	DESCRIPTION	QUANTITY			UNIT			UNIT PRICE			TOTAL		
		MENDOZA	ELLENTON GILLETTE	MENDOZA	ELLENTON GILLETTE	MENDOZA	ELLENTON GILLETTE	MENDOZA	ELLENTON GILLETTE	MENDOZA	ELLENTON GILLETTE	ELLENTON GILLETTE	
1	Mobilization	1	1	LS	LS	1	LS	\$3,400.00	\$3,400.00	\$8,600.00	\$8,600.00	\$8,600.00	
2	Maintenance of Traffic	1	1	LS	LS	1	LS	14,000.00	14,000.00	28,000.00	28,000.00	28,000.00	
3	Staked Silt Screen	980	2,050	LF	LF	1.00	LF	1.00	1.00	\$980.00	2,050.00	2,050.00	
4	Clearing and Grubbing	0.10	0.24	AC.	AC.	25,000.00	AC.	25,000.00	25,000.00	\$2,500.00	6,000.00	6,000.00	
5	Roadway Excavation	200	400	CY.	CY.	5.00	CY.	5.00	5.00	\$1,000.00	2,000.00	2,000.00	
6	Embankment	30	70	CY.	CY.	9.00	CY.	9.00	9.00	\$270.00	630.00	630.00	
7	12" Stabilized Subbase LBR 90	820	1,960	SY.	SY.	9.00	SY.	9.00	9.00	\$7,380.00	17,640.00	17,640.00	
8	8" Base Course LBR 100	700	1,700	SY.	SY.	8.00	SY.	8.00	8.00	\$5,600.00	13,600.00	13,600.00	
9	3/4" Asphaltic Concrete Surf. S-III	1,800	4,350	SY.	SY.	7.50	SY.	7.50	7.50	\$13,500.00	32,625.00	32,625.00	
10	1" Asphaltic Concrete Surf. S-III	600	1,450	SY.	SY.	9.50	SY.	9.50	9.50	\$5,700.00	13,775.00	13,775.00	
11	Valve Box Adjust	0	1	EA.	EA.	0.00	EA.	0.00	300.00	\$0.00	300.00	300.00	
12	Reconstruct MES	0	1	EA.	EA.	0.00	EA.	0.00	1,500.00	\$0.00	1,500.00	1,500.00	
13	Relocate FPL Pole	0	1	LS	LS	0.00	LS	0.00	7,000.00	\$0.00	7,000.00	7,000.00	
14	Relocate Verizon/Cable	1	1	LS	LS	1,000.00	LS	1,000.00	2,000.00	\$1,000.00	2,000.00	2,000.00	
15	Striping	1	1	LS	LS	2,000.00	LS	2,000.00	4,000.00	\$2,000.00	4,000.00	4,000.00	
16	Sod	210	430	SY.	SY.	2.00	SY.	2.00	2.00	\$420.00	860.00	860.00	
17	Remove / Replace Existing Signs	2	2	EA.	EA.	300.00	EA.	300.00	300.00	\$600.00	600.00	600.00	
Subtotals											\$58,350.00	141,180.00	
Contingency (20%)											\$11,670.00	28,236.00	
Totals											\$70,020.00	169,416.00	



**Preliminary Engineer's Opinion of Cost
for
The Left Turn Lanes at Ellennton Gillette Rd.
and Mendoza Rd.**

PAY ITEMS	DESCRIPTION	QUANTITY		UNIT		UNIT PRICE		TOTAL	
		MENDOZA	ELLENTON GILLETTE	MENDOZA	ELLENTON GILLETTE	MENDOZA	ELLENTON GILLETTE	MENDOZA	ELLENTON GILLETTE
1	Topographic Survey/Stakeout	1		LS	LS	\$1,700.00	\$3,300.00	\$1,700.00	\$3,300.00
2	Engineering Design / Construction Plans / Construction Services	1		LS	LS	13,500.00	26,500.00	13,500.00	26,500.00
3	Environmental Scientist	1		LS	LS	1,000.00	2,000.00	1,000.00	2,000.00
						Subtotals		16,200.00	31,800.00
						GRAND TOTALS		\$86,220.00	\$201,216.00

\\m601\ellennton\Gillette-Mendoza-CE.xls



Copy of Newspaper Advertising

Bradenton Herald

NOTICE OF ZONING CHANGES IN UNINCORPORATED MANATEE COUNTY

NOTICE IS HEREBY GIVEN, that the Planning Commission of Manatee County will conduct a Public Hearing on **Thursday, October 13, 2011 at 9:00 a.m.** at the Manatee County Government Administrative Center, 1st Floor Chambers, 1112 Manatee Avenue West, Bradenton, Florida to consider, act upon, and forward a recommendation to the Board of County Commissioners on the following matters:

LDA-11-01 - PDR-06-34(Z)(P) PADDOCKS LAND VENTURE /THE PADDOCKS DTS#20110143

Request for approval of LDA-11-01 relating to the Paddocks project, approved as PDR 06-34(Z)(P); providing for the applicant's construction of improvements at the intersection of Ellenton-Gillette Road and Mendoza Road; providing for the approval of an extended Certificate of Level of Service Compliance for public facilities for the Project; and providing for the extension of the Preliminary Site Plan approved for the Project. The Project is located on a 82.04± acre parcel of property located in Manatee County, generally bounded by 37th Street East (a/k/a Mendoza Road) on the north, Ellenton-Gillette Road on the east, 29th Street East on the south, and the Seaboard Coast Line Railroad on the west. Through prior approvals, the Project has been approved for a maximum of two hundred sixty-four (264) residential units, consisting of forty-eight (48) lots for single-family detached residences, one hundred four (104) single-family residences on a single parcel, and one hundred twelve (112) multi-family units with at least twenty-six (26) of the units designated as workforce housing. The Project is approved with a maximum height of thirty-five (35) feet for all uses.

PDMU-05-19(G)(R4) - NORTH- WEST SECTOR DTS20110193

Request: An Ordinance of the Board of County Commissioners of Manatee County, Florida, amending and restating Ordinance PDMU-05-19(Z)(G)(R), PDMU-05-19(Z)(G)(R2) and PDMU-05-19(G)(R3) to amend the General Development Plan to:

- Reallocate single-family units among parcels;
- Add residential support as a use;
- Modify dimensional criteria;
- Allow design flexibility by revising restrictions on land use and design criteria;
- Amend stipulations to facilitate these changes;
- Update the phasing table to reflect legislatively approved extensions;

subject to stipulations as conditions of approval; setting forth findings; providing a legal description; providing for severability, and providing an effective date. The development has been approved for 4,422 residences, 200,000 square feet of commercial space, 105,000 square feet of office space and a 120 bed group care facility, generally east of Lakewood Ranch Boulevard, south of 44th Avenue East extension, west of Lorraine Road, and north of S.R. 70. A 39.3 ± acre, parcel is west of Lakewood Ranch Boulevard (1,518.9 ± acres).

PDMU-05-09(P)(R2) - CEN- TRAL PARK DTS20110194

An Ordinance of the Board of County Commissioners of Manatee County, Florida, approving an amended Zoning Ordinance and revised Preliminary Site Plan by amending the following:

- Increase the residential units from 800 to 826;
- Allow residential support uses;
- Modify commercial parcels boundaries;
- Reallocate commercial square footage;
- Modify dimensional criteria;
- Allow design flexibility by removing restrictions on land uses and design criteria;
- Amend the Ordinance definitions, conditions, and terminology to reflect the above changes;

subject to stipulations as conditions of approval; setting forth findings; providing a legal description; providing for severability, and providing an effective date. The site is generally located east of Lakewood Ranch Boulevard, south of 44th Avenue East, north of Malachite Drive and west of Pope Road, Bradenton (372 ± acres).

PDR-04-01(P)(R) - RIVER'S REACH (FKA: WATER'S EDGE) DTS20110162

An Ordinance of the Board of County Commissioners of Manatee County, Florida, amending Ordinance No. PDR-04-01(P) and the Preliminary Site Plan for the River's Reach Subdivision to:

1. Increase the number of single-family residential lots from 257 to 326 (69 additional lots),
2. Modify the overall gross density from 1.03 dwelling units per acre to 1.31 dwelling units per acre,
3. Modify Phase 1 lot sizes from 80' wide to a minimum of 52' and modify the front and side yard setbacks;
4. Relocate existing recreational amenities in Phase 2; and
5. Change existing stipulations to reflect the above, update departmental references, and reflect current standards.

The River's Reach Subdivision (249.17+ acres) is within the PDR/NCO (Planned Development Residential/North Central Overlay) zoning district. The site is north of the Manatee River on the west side of North Rye Road, in Parrish; subject to stipulations as conditions of approval; setting forth findings; providing a legal description; providing for severability, and providing an effective date.

PDMU-92-01(G)(R13) SCHROEDER-MANATEE RANCH, INC. / UNIVERSITY LAKES

An Ordinance of the Board of County Commissioners of Manatee County, Florida, relating to land development, amending Stipulation Q.(1) of Ordinance PDMU-92-01(Z)(G)(R12) and amending the General Development Plan to reallocate 100 multi-family units from Parcel 53 to Parcel 15, 16,791 square feet of non-residential square footage from Parcel 15 to Parcel 4/5, and 255 hotel rooms from Parcel 15 to Parcel 4/5 and amending note 2(E) regarding Parcel 15; other minor amendments as necessary; setting forth findings; providing for severability; and providing an effective date.

University Lakes is at the north-east intersection of the University Parkway and I-75 interchange, south of SR70, north of University Parkway, and east of I-75 to the current boundary at three miles east of Lorraine Road. The present zoning is PDMU/WP-E/ST (Planned Development Mixed Use / Evers Reservoir Watershed Protection and Special Treatment Overlay District) (4,101.2 ± acres).

All interested parties are invited to appear at this public hearing and be heard, subject to proper rules of conduct. Additionally, any written comments filed with the Director of the Building and Development Services Department will be heard and considered by the Planning Commission and entered into the record.

It is important that all parties present their concerns to the Planning Commission in as much detail as possible. The issues identified at the Planning Commission hearing will be the primary basis for the final decision by the Board of County Commissioners. Interested parties may examine the Official Zoning Atlas, the applications, related documents, and may obtain assistance regarding these matters from the Manatee County Building and Development Services Department, 1112 Manatee Avenue West, 2nd Floor, Bradenton, Florida, telephone number (941) 748-4501x6878; e-mail to: planning.agenda@mymanatee.org

According to Section 286.0105, Florida Statutes, if a person decides to appeal any decision made with respect to any matters considered at such meetings or hearings, he or she will need a record of the proceedings, and for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record would include any testimony or evidence upon which the appeal is to be based.

Americans With Disabilities:

The Board of County Commissioners of Manatee County does not discriminate upon the basis of any individual's disability status. This non-discrimination policy involves every aspect of the Board's functions including one's access to and participation in public hearings. Anyone requiring reasonable accommodation for this meeting as provided for in the ADA, should contact Kaycee Ellis at 742-5800; TDD ONLY 742-5802 and wait 60 seconds, or FAX 745-3790.

THIS HEARING MAY BE CONTINUED FROM TIME TO TIME PENDING ADJOURNMENTS.
MANATEE COUNTY PLANNING COMMISSION
Manatee County Building and Development Services Department
Manatee County, Florida
09/29/2011

Copy of Newspaper Advertising

Sarasota Herald Tribune

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PADDOCKS LAND VENTURE/THE
PADDOCKS
DTS#20110143

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PDMU-05-19(G)(R4) - NORTHWEST
SECTOR
DTS20110193

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- Reallocate single-family units among parcels;
- Add residential support as a use;
- Modify dimensional criteria;
- Allow design flexibility by revising restrictions on land use and design criteria;
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DTS20110194

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PDMU-92-01(G)(R13) SCHROEDER-
MANATEE RANCH, INC./ UNIVERSITY
LAKES

An Ordinance of the Board of County Commissioners of Manatee County, Florida, relating to land development, amending Stipulation Q.(1) of Ordinance PDMU-92-01(Z)(G)(R12) and amending the General Development Plan to reallocate 100 multi-family units from Parcel 53 to Parcel 15, 16,781 square feet of non-residential square footage from Parcel 15 to Parcel 4/5, and 255 hotel rooms from Parcel 15 to Parcel 4/5 and amending note 2(E) regarding Parcel 15; other minor amendments as necessary; setting forth findings; providing for severability; and providing an effective date.

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All interested parties are invited to appear at this public hearing and be heard, subject to proper rules of conduct. Additionally, any written comments filed with the Director of the Building and Development Services Department will be heard and considered by the Planning Commission and entered into the record.

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THIS HEARING MAY BE CONTINUED FROM TIME TO TIME PENDING ADJOURNMENTS.
MANATEE COUNTY PLANNING COMMISSION
Manatee County Building and Development Services Department
Manatee County, Florida

Date of pub: September 30, 2011

MANATEE COUNTY GOVERNMENT AGENDA MEMORANDUM

SUBJECT	PDMU-05-19 (G)(R4) - Northwest Sector (DTS # 20110193)	TYPE AGENDA ITEM	Advertised Public Hearing – Consent
DATE REQUESTED	10/13/11 PC	DATE SUBMITTED/REVISED	10/06/11
BRIEFINGS? Who?	None	CONSEQUENCES IF DEFERRED	N/A
DEPARTMENT/DIVISION	Building & Development Services/ Comprehensive Planning and Public Hearing	AUTHORIZED BY TITLE	John Osborne, AICP, Planning and Zoning Official
CONTACT PERSON TELEPHONE/EXTENSION	Rossina Leider / 748-4501 ext. 6859	PRESENTER/TITLE TELEPHONE/EXTENSION	Rossina Leider / Sr. Development Review Specialist / 748-4501 ext. 6859
ADMINISTRATIVE APPROVAL			

ACTION DESIRED
INDICATE WHETHER 1) REPORT; 2) DISCUSSION; 3) FORM OF MOTION; OR 4) OTHER ACTION REQUIRED

I move to recommend approval of PDMU-05-19(G)(R4) per the recommended motion in the staff report attached to this memo.

ENABLING/REGULATING AUTHORITY

Federal/State law(s), administrative ruling(s), Manatee County Comp Plan/Land Development Code, ordinances, resolutions, policy

Manatee County Comprehensive Plan and Manatee County Land Development Code.

BACKGROUND/DISCUSSION

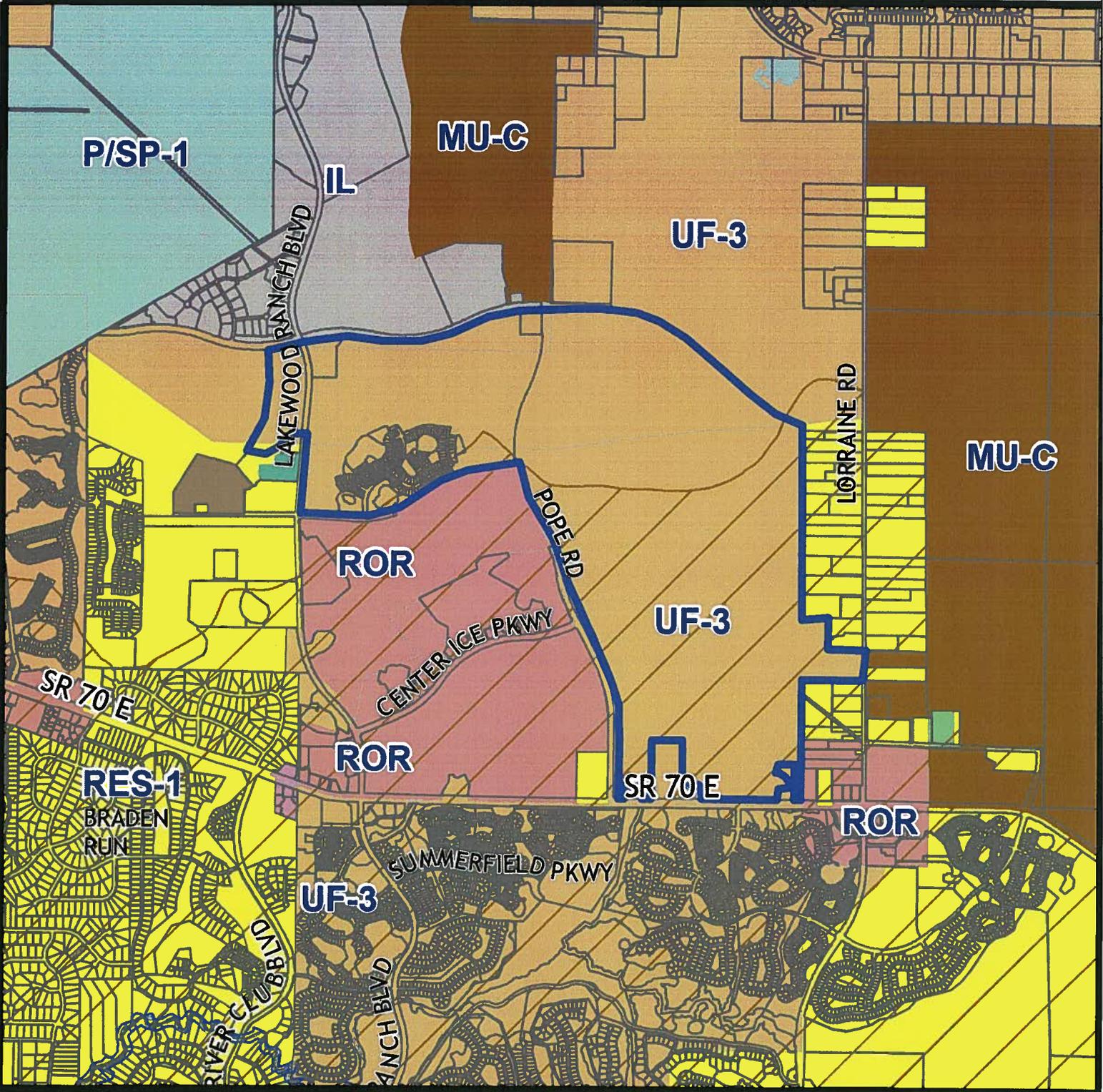
- On November 1, 2007 the Board of County Commissioners approved a rezone and General Development Plan for the Northwest Sector DRI [(PDMU-05-19(Z) (G)]. The GDP was approved to allow 4,222 residences, 200,000 SF of commercial space, 105,000 SF of office space, and an option for a 120 bed group care facility. The following amendments to the GDP were approved by the BOCC:
 - June 9, 2009: received approval to delete the minimum established unit size for single-family detached residences. Lot widths and sizes vary from 45 feet (4,950 sq. ft.) up to 80 feet (9,000 sq. ft.).
 - December 3, 2009: received approval to change minimum lot width from 45 feet to 42 feet, remove notation which stated side yard setbacks of 6' permitted only if HVAC units is in rear of the building, and delete condition regarding that no more than 50% of residential lots in the DRI shall be less than 76 feet in width.
 - April 7, 2011: received approval to allow an option for "Zero Lot Line" as an alternative maintaining previously approved building separation, extend Phase I to 2015 to reflect legislatively approved extensions SB 360 and SB 1752, and update the expiration date of the CLOS-07-093 to 12/31/2019 pursuant to LDA-10-01.
- Lot widths vary from: a) 42' (4,950 sq. ft.) to 80' (9,000 sq. ft.) for single-family detached residences, b) 25' (2,500 sq. ft.) for single-family attached residences, and c) 45' (4,950 sq. ft.) for single-family semi-detached residences.
- CLOS #07-093 was issued on 11/01/2007 and shall expire on 12/31/2019, which reflects approval of LDA-10-01.
- The applicant requests to:
 - Reallocate 26 single family units from Parcel G-1, H, C-1, and C-3 to Parcel C-2 and C-4 (Central Park).
 - Add residential support as a use in Residential Parcels (Parcels A-2, C-1 through C-4, G-1 through G-9, I and J) allowing the following potential uses: a) Churches or other Places of Worship, b) Day Care Centers including Large, Medium, Small and Accessory, c) Environmental Education Facilities, and d) School of Special Education. The proposal includes "Day Care Center, including Large, Medium, Small and Accessory Day Care Center" (Residential Support Use) as an allowable use in commercial/office Parcels B and D (Central Park).
 - Modify dimensional criteria to add residential support uses within residential parcels and increase rear setback on commercial/office Parcel B and D.
 - Allow design flexibility by revising restrictions on land uses and design criteria for non residential areas.
 - Amend stipulations to facilitate these changes.
 - Update phasing to reflect legislatively approved extensions by HB 7207 (Phase I extending from 2015 to 2019 and Phase II extending from 2019 to 2023).
- At this time, the applicant is not increasing density (2.9 du/acre gross and 4.5 du/acre net), or reducing approved open space (35.5%).
- Allow "Residential Support Uses" in residential parcels provides opportunities for the residents and employees of the area to find such uses without having to travel outside the immediate area. No square footage is proposed at this time
- The proposal does not exceed the Northwest Sector DRI overall number of units and commercial/office square footage threshold. An NOPC is not required at this time.

- The dimensional criteria changes will allow the project to be more flexible to changes in the market.
- Staff recommended an additional note on the GDP and a stipulation to address the parameters for the future review of Residential Support uses. The applicant has complied with this request.
- Staff recommends approval of the proposed changes.

COUNTY ATTORNEY REVIEW	
Check appropriate box	
<input checked="" type="checkbox"/>	REVIEWED Written Comments: <input type="checkbox"/> Attached <input checked="" type="checkbox"/> Available from Attorney (Attorney's initials: WEC)
<input type="checkbox"/>	NOT REVIEWED (No apparent legal issues.)
<input type="checkbox"/>	NOT REVIEWED (Utilizes exact form or procedure previously approved by CAO.)
<input type="checkbox"/>	OTHER

ATTACHMENTS: (List in order as attached)		INSTRUCTIONS TO BOARD RECORDS:	
Staff Report		n/a	
COST:	n/a	SOURCE (ACCT # & NAME):	n/a
COMMENTS:		AMT./FREQ. OF RECURRING COSTS: (ATTACH FISCAL IMPACT STATEMENT)	

FUTURE LAND USE



Parcel ID #(s) 579600759, 579400269, 579901459 (part of)


 Manatee County
 Staff Report Map
 Map Prepared 2/15/2011
 1 inch = 2,914 feet

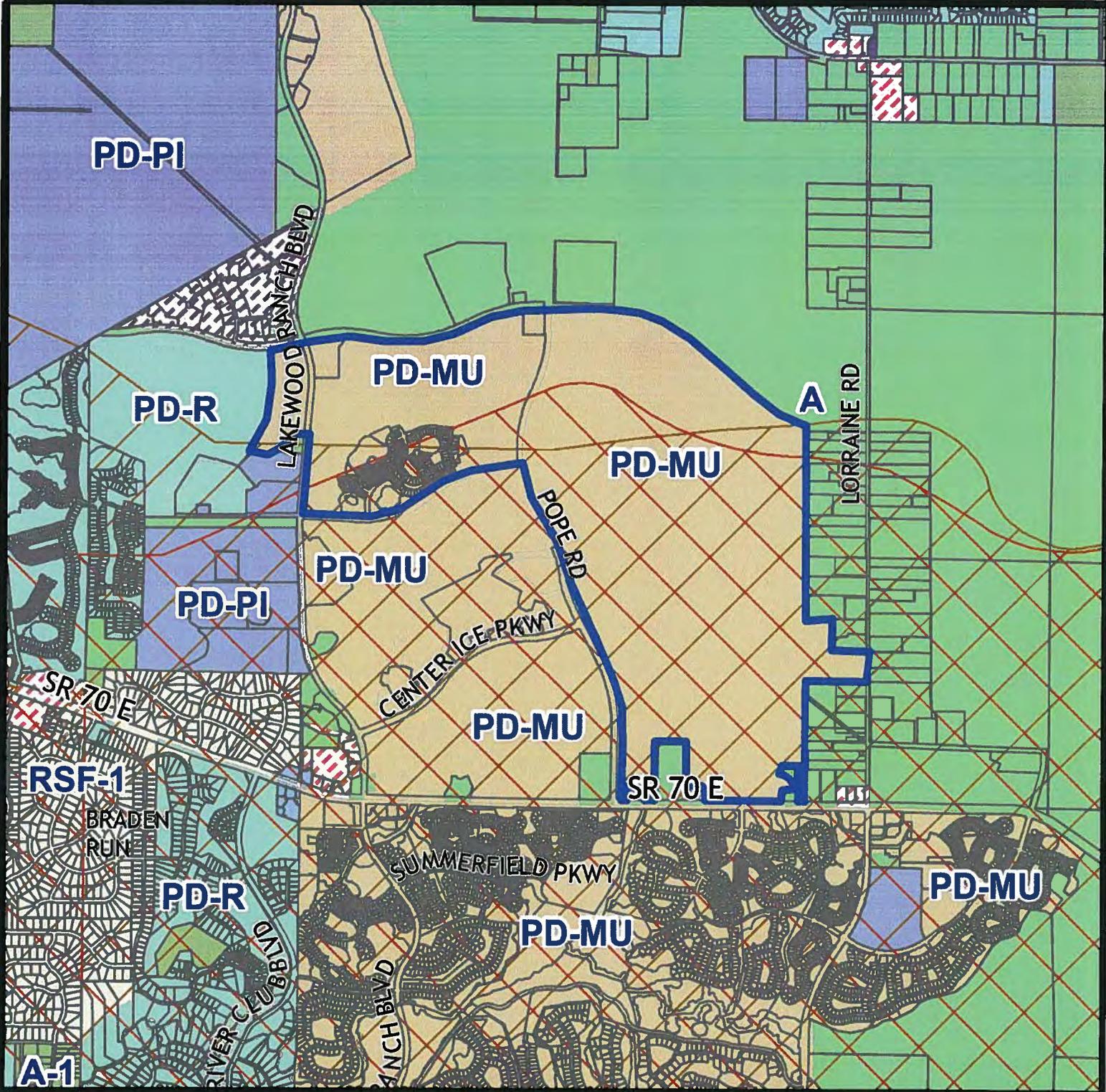
Project Name: Northwest Sector DRI # 26
 Project #: PDMU-05-19 (G)(R4)
 DTS#: 20110193
 Proposed Use: Mixed Use

S/T/R: Sec 7,9,16,15 Twn 34,35 Rng 19
 Acreage: 1518.9
 Existing Zoning: PD-MU
 Existing FLU: UF-3
 Overlays: ST
 Special Areas: NONE

CHH: NONE
 Watershed: WPE
 Drainage Basin: MIDDLE BRADEN, MYAKKA, WILLIAMS CREEK,
 UPPER BRADEN R, MIDDLE MANATEE R, MILL CREEK
 Commissioner: Donna Hayes


 Evers Watershed (WPE)

ZONING



Parcel ID #(s) 579600759, 579400269, 579901459 (part of)

Manatee County
Staff Report Map
Map Prepared 2/15/2011
1 inch = 2,914 feet

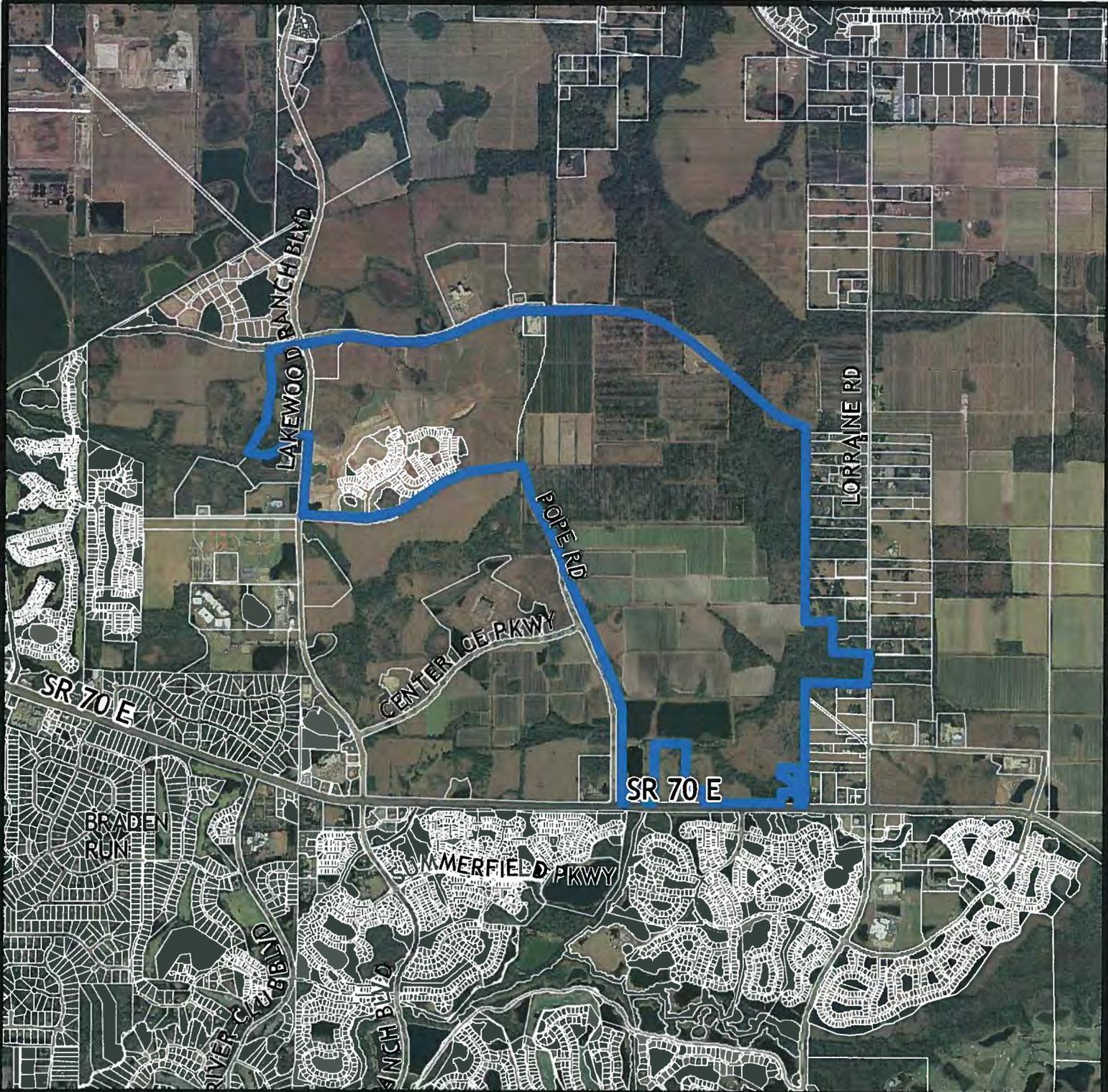
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Existing Zoning: PD-MU
Existing FLU: UF-3
Overlays: ST
Special Areas: NONE

CHH: NONE
Watershed: WPE
Drainage Basin: MIDDLE BRADEN, MYAKKA, WILLIAMS CREEK, UPPER BRADEN R, MIDDLE MANATEE R, MILL CREEK
Commissioner: Donna Hayes

 Special Treatment
 Evers Watershed (WPE)

AERIAL



Parcel ID #(s) 579600759, 579400269, 579901459 (part of)

Project Name: Northwest Sector DRI # 26
Project #: PDMU-05-19 (G)(R4)
DTS#: 20110193
Proposed Use: Mixed Use

S/T/R: Sec 7,9,16,15 Twn 34,35 Rng 19
Acreage: 1518.9
Existing Zoning: PD-MU
Existing FLU: UF-3
Overlays: ST
Special Areas: NONE

CHH: NONE
Watershed: WPE
Drainage Basin: MIDDLE BRADEN, MYAKKA, WILLIAMS CREEK,
UPPER BRADEN R, MIDDLE MANATEE R, MILL CREEK
Commissioner: Donna Hayes



Manatee County
Staff Report Map
Map Prepared 2/15/2011

1 inch = 2,914 feet

P.C. 10/13/11

PDMU-05-19(G)(R4) – NORTHWEST SECTOR (DTS #20110193)

Request: An Ordinance of the Board of County Commissioners for Manatee County, Florida, amending and restating Ordinance PDMU-05-19(Z)(G)(R), PDMU-05-19(Z)(G)(R2) and PDMU-05-19(G)(R3) to amend the General Development Plan to:

- Reallocate single-family units among parcels;
- Add residential support as a use;
- Modify dimensional criteria;
- Allow design flexibility by revising restrictions on land use and design criteria;
- Amend stipulations to facilitate these changes;
- Update the phasing table to reflect legislatively approved extensions;

subject to stipulations as conditions of approval; providing for definitions; setting forth findings; providing a legal description; providing for severability, and providing an effective date. The project is generally east of Lakewood Ranch Boulevard, south of 44th Avenue East extension, west of Lorraine Road, and north of S.R. 70. A 39.3 acre parcel is west of Lakewood Ranch Boulevard (1,518.9 ± acres).

P.C.: 10/13/2011

B.O.C.C.: 11/03/11

RECOMMENDED MOTION:

Based upon the staff report, evidence presented, comments made at the Public Hearing, and finding the request to be CONSISTENT with the Manatee County Comprehensive Plan and the Manatee County Land Development Code, as conditioned herein, I move to APPROVE Manatee County Zoning Ordinance No. PDMU-05-19(G)(R4); amending and restating Ordinance No. PDMU-05-19(Z)(G)(R), PDMU-05-19(Z)(G)(R2), and PDMU-05-19(G)(R3) as recommended by staff.

PROJECT SUMMARY	
CASE#	PDMU-05-19(G)(R4) - (DTS # 20110193)
PROJECT NAME	Northwest Sector
APPLICANT(S):	SMR North 70, LLC
EXISTING ZONING:	PDMU (Planned Development Mixed Use) PDMU/WP-E (Planned Development Mixed Use/Watershed Protection-Evers) PDMU/WP-E/ST (Planned Development Mixed Use/Watershed Protection-Evers/Special Treatment Overlay District)
PROPOSED CHANGE(S):	<ol style="list-style-type: none"> 1) Reallocate single-family units among parcels; 2) Add residential support as a use; 3) Modify dimensional criteria; 4) Allow design flexibility by revising restrictions on land uses and design criteria; 5) Amend stipulations to facilitate these changes; 6) Update the phasing to reflect legislatively approved extensions.
CASE MANAGER:	Rossina Leider
STAFF RECOMMENDATION:	APPROVAL
DETAILED DISCUSSION	
<p><u>History</u></p> <p>The Northwest Sector DRI and GDP were approved on November 1, 2007.</p> <p>The Northwest Sector DRI is approved for 4,422 units, 200,000 square feet of commercial space, and 105,000 square feet of office space, with an option to exchange land uses for a 120 bed group care home. The DRI boundaries are SR 70 to the south,</p>	

44th Avenue East extension to the north, and Lorraine Road to the east. Lakewood Ranch Boulevard serves as the northwestern property boundary, except for a 39.3 acre parcel located west of Lakewood Ranch Boulevard. Pope Road serves as a boundary to the southwest. The total project acreage is ± 1,518.9 acres.

At the time the Northwest Sector DRI was under review a Preliminary Development Agreement (PDA) was also being processed for a portion of the project. The PDA allowed development in advance of the DRI for 800 dwelling units and 150,000 sq. ft. of commercial space on 372 acres for a project now known as Central Park.

Central Park's approval included a Preliminary Site Plan and a development order that outlined in detail the conditions of approval. Shortly after Central Park's approval the Northwest Sector DRI received a development order approval which restated many of the Central Park stipulations.

The following amendments to the Northwest Sector GDP were approved by the BOCC:

June 9, 2009: Received approval to delete the minimum established unit size for single-family detached residences. Lot widths and sizes varied from 45 feet (4,950 sq. ft.) up to 80 feet (9,000 sq. ft.).

December 3, 2009: Received approval to change minimum lot width from 45 feet to 42 feet, remove notation which stated side yard setbacks of 6' permitted only if HVAC units is in rear of the building, and deleted condition requiring that no more than 50% of residential lots in the DRI shall be less than 76 feet in width.

April 7, 2011: Received approval to allow an option for "Zero Lot Line" as an alternative maintaining previously approved building separation, extend Phase I to 2015 to reflect legislatively approved extensions SB 360 and SB 1752, and update the expiration date of the CLOS-07-093 to 12/31/2019 pursuant to LDA-10-01.

Request

The request is for an amendment to the General Development Plan (GDP) and Zoning Ordinance for Northwest Sector.

The current request is to modify dimensional criteria and stipulations that were specific to Central Park. A companion request has been made to modify and/or delete the same stipulations from the Central Park zoning ordinance.

In general, the actual request is to reallocate 26 single-family dwelling units from east of Pope Road to the west side of Pope Road onto the Central Park portion of the DRI. This change will increase the total dwelling units with Central Park from 800 to 826 units. There is a companion application for Central Park to take into account this and other changes.

The proposal will not increase density beyond the original approval of the DRI. The applicant is not proposing a redesign, or increasing the overall number of units, and the percentage of open space will remain the same. If an increase in density by more than 3% or a decrease in open space by more than 5% is proposed, the applicant will be required to go back before the Board for approval. Staff would analyze the impacts of such a request at that time.

The proposal introduces “Residential Support” as a use (churches, schools of special education and day care centers) within residential parcels. No square footage is proposed at this time. Churches and other places of Worship (excluding Large, Medium, Small and Accessory Day Care Centers) shall be allowed with appropriate administrative review process. Large, Medium and Small Day Care Centers, Accessory Day Care Centers, Environmental Education Facilities and Schools of Special Education shall count against the Northwest Sector DRI entitlements and may require a future NOPC. Staff requested an additional note to be placed on the GDP and a stipulation to address the parameters for the future review of Residential Support Uses.

Additionally, the proposal includes “Day Care Center, including Large, Medium, Small and Accessory Day Care Center” (Residential Support Use) as an allowable use in commercial/office Parcels B and D (Central Park - Commercial Areas A and B) as it is allowed in the rest of the commercial/office parcels of the Northwest Sector DRI (Parcels A-1, E, and K). The square footage shall count against the commercial entitlements of Parcel B and D. No square footage is proposed at this time.

The application also includes changes to stipulations primarily related to the Central Park portion of the GDP.

The build-out date is extended to 12/31/2019 for Phase I and 12/31/2023 for Phase II, reflecting the original SB 360 and SB 1752 extensions and an additional four year extension under HB 7207.

Request #1:

Reallocate 26 single family units from Parcels C-1, C-3, G-1 and H to Parcels C-2 and C-4 as follow:

Parcel	Approved Residential Units	Proposed Residential Units	Difference
C-1	260	258	(-2)
C-2	135	162	+27
C-3	197	196	(-1)
C-4	208	210	2
G-1	422	402	(-20)
H	6	-	(-6)
Total	1,228	1,228	0

Staff has no objection to this request as it only reallocates approved residential units and does not increase the total approved units within the DRI.

Request #2:

- Allow “Residential Support” as a use in Residential Parcels. The applicant proposes to add a footnote on the General Development Plan (GDP), under General Notes as follow:

The following Residential Support Uses are allowed in Residential parcels A-2, C-1 through C-4, G-1 through G-9, I and J:

- Churches or other Places of Worship
- Day Care Centers including Large, Medium, Small and Accessory
- Environmental Education Facilities
- School of Special Education.

Staff requested additional note on the GDP and a stipulation to address the parameters for the future review of Residential Support Uses as follow:

Note:

Residential Support Uses

- a. Churches and Other Places of Worship (excluding Large, Medium, Small and Accessory Day Care Centers) shall be allowed through an Administrative Review process.
- b. Large, Medium and Small Day Care Centers, Accessory Day Care Centers, Environmental Education Facilities and Schools of Special Education shall count against the DRI entitlements and may require an NOPC.

Stipulation S(3).i:

S(3). Residential

- i. Residential Support Uses are allowed in Parcels A-2, C-1 through C-4, F, G-1 through G-9, J, and I. Churches and Other Places of Worship (excluding Large, Medium, Small and Accessory Day Care Centers) shall be allowed by Administrative Permit if locational criteria can be met, or by Special Permit if those criteria cannot be met, pursuant to Section 704.13.1 of the Land Development Code as may be amended. Large, Medium and Small Day Care Centers, Accessory Day Care Centers, Environmental Education Facilities and Schools of Special Education shall count against the Northwest Sector DRI entitlements and may require an NOPC.

The proposed “Residential Support Uses” can provide a variety of services to the residents and employees in the area and the note will ensure adequate review of the proposed uses. Staff has no objection to this request with the above note being added to the GDP.

- Allow “Day Care Center, including Large, Medium, Small, and Accessory” (Residential Support Use) as an allowable use in commercial/office Parcels B and D. The applicant proposes to add the use on the General Development Plan (GDP), under allowable uses in Commercial/Office Parcel B and D (General Notes).

Staff has no objection to this request, as the proposal is consistent with the approved uses and conditions for the rest of the commercial/office parcels of the Northwest Sector DRI.

Request #3:

Modify dimensional criteria to add “Residential Support Uses” and increase rear setback on Commercial/Office Parcels “B” and “D” to be consistent with previously approved building separation between commercial and residential areas on Central Park Subdivision. The applicant proposes to add Residential Support Uses under Stipulation S(3).a as follow:

S(3). Residential

a. The setbacks, heights, and lot sizes for residential land uses shall be as follows:

Type	Min. Lot Size (Sq. Ft.)	Minimum Lot Width ⁴ (Ft.)	Front Setback (Ft.) ¹	Side Setback (Ft.)	Rear Setback (Ft.)	Maximum Height (Ft.)
Single-Family Detached ^{3,8}	4,950	42	25/20	6 ^{4,5}	15	35
Single-Family Detached ^{3,8}	9,000	76	25/20	6 ^{4,5}	15	35
Single-Family Detached ^{3,8}	9,000	80	25/20	7.5 ⁶	15	35
Single-Family Attached ⁸	2,500	25	25/20	0/10 ⁷	15	35
Single-Family Semi-Detached ⁸	4,950	45	25/20	0/10 ⁷	15	35
Multi-Family	NA	NA	25	15/25 ²	15	35
Park	NA	NA	25	15	15	35
<u>Residential Support Uses</u>	<u>NA</u>	<u>NA</u>	<u>40</u>	<u>15</u>	<u>30</u>	<u>45</u>

1. The front yard setback for all single-family residences shall be 25' to the garage portion of the structure. The remaining habitable portion of the structure may be setback 20'. The front yard setback for structures with side-loaded garages shall be 20'.
2. This distance is not a side yard setback but the minimum distance between buildings. A 15' separation is required between one-story buildings. A 25' separation is required between two and three story buildings.
3. Required setbacks are based on the dominant lot width for each subphase of development.
4. There shall be a minimum of ten (10) foot separation between accessory equipment (e.g. air condition units, heat pumps, pumps, etc.) and structures alongside adjoining houses with 6-foot side yard setbacks.
5. Zero Lot Line alternative allows a side setback of 11'/1' (min.) with a building separation of no less than 12'.
6. Zero Lot Line alternative allows a side setback of 14'/1' (min.) with a building separation of no less than 15'.
7. Zero Lot Line alternative allows a side setback of 19'/1' (min.) with a building separation of no less than 20'.
8. Use of the Zero Lot Line alternative must be declared with the approval of a Preliminary Subdivision Plat and Preliminary/Final Site Plan.

The proposed setbacks for “Residential Support Uses”:

- **comply with the dimensional criteria previously approved for commercial/office Parcels A-1, E, and K of the Northwest Sector DRI in which are allowed Residential Support Uses such as: Day Care Centers (Large, Medium, and Small), Accessory Day Care Centers, Churches and other Place of Worship, and Schools (including Elementary, Middle, High and Special Education), and**
- **are consistent with the proposed setbacks for the commercial/office Parcels “B” and “D” (Central Park Commercial Area A and B).**

The applicant is increasing the rear setback for commercial/office Parcels “B” and “D” from 20 feet to 30 feet to be consistent with the previous approved setback in Central Park.

Staff does not have concern regarding the proposed changes to the dimensional criteria.

Request #4:

Remove restrictions on land uses and design criteria to allow design flexibility. The applicant request partial deletion of the following stipulations:

a. Stipulation S(2).k:

S(2). Non Residential

k. Parcels B and D

- ~~1) The eastern most outparcel on Parcel B shall be limited to a bank, personal service establishment, business services, post office, or office. If a bank, the drive thru shall be on the west side of the building.~~

Staff has no objection to deleting stipulation S.2.k.1 since a “residential support use parcel” is proposed in Central Park east of the eastern most outparcel of the Parcel B, between the commercial parcel and the residential area.

- ~~2) The minimum building setbacks shall be as indicated on Sheets 4 and 12 of Preliminary Site Plan (PDMU 05 09(Z)(P). Setback reduction modifications, pursuant to Section 603.6 of the Land Development Code, shall not be granted to the buildings adjacent to the residential component.~~

Minimum setbacks proposed are consistent with the dimensional criteria originally approved for the rest of the commercial/office parcels of the Northwest Sector DRI. Staff has no objection to delete the above stipulation.

- ~~3) The footprint for the two anchor stores on Parcel B shall maintain the angle with the eastern property line as shown on Preliminary Site Plan (PDMU 05 09(Z)(P), unless increased building setbacks are provided to mitigate for the increased impacts.~~

The applicant requests deletion of the above stipulation to allow more design flexibility. Staff has no objection.

- ~~4) The maximum height of non-residential buildings within 175 feet of any residential lot shall be 24 feet.~~

The applicant requests deletion of the above stipulation to allow design flexibility. Staff has no concern since there are stipulations that:

- **Ensure the attractive appearance of all building facades (materials, design, architectural details, etc.)**
- **Limit to “one story houses” all lots within 200 feet of the commercial parcels.**
- **No changes to the width and design characteristics of the previously approved enhanced buffer between commercial and residential areas (40 feet wide buffer for Parcel A and 30 feet wide buffer for Parcel B which include 6 feet high berm and 6 feet high wall) Prospective homeowners will be notified of the location and size of the future commercial and office developments within the project.**

51) At time of Final Site Plan submittal, a fifteen foot buffer shall be provided along the boundary of each parcels where it abuts the residential component.

62) ~~At least one year prior to the first Final Site Plan approval~~ Prior to the issuance of the Certificate of Occupancy for each commercial parcel, the abutting landscape buffer on the residential parcel shall be completed and certified to the Building and Development Services Department by a Florida Registered Landscape Architect. The Landscape Architect shall certify that all the trees have survived and sustained normal growth patterns. Trees which have not shall be replaced with enhanced tree sizes to make up the loss in growth time.

Prior to Certificate of Occupancy for the main commercial buildings, a Florida Registered Landscape Architect shall re-certify that all the trees have survived and sustained normal growth patterns. Trees which have not shall be replaced with enhanced tree sizes to make up the loss in growth time.

Staff has no concerns with this change as it is consistent with how landscape buffers are approved with other projects. As previously worded, it would have required an applicant to construct a buffer one year in advance of obtaining a FSP approval, which would be difficult for the applicant to determine when such approval will be issued.

73) The developer shall construct ~~vehicular~~ pedestrian access to the Parcel B from Parcel C-3. Such access may, at the developers option be gated. ~~Modifications to the site plan to accommodate this connection may be administratively approved.~~

Staff has no objection, since the vehicular access from Residential Parcel C-3 to Commercial Parcel B thru a local street will negatively impact the nearby residential activities by passerby traffic. Staff requested a pedestrian access.

84) The applicant has the option of administratively relocating up to 3,000 square feet of commercial entitlements in Parcels B or D to lots adjacent to the central park, consistent with the Comprehensive Plan.

b. Stipulation S(3).f:

S(3). Residential
Parcels C-1 – C-4

4) The developer shall construct ~~vehicular~~ pedestrian access from Parcel B to Parcel C-3. ~~Modifications to the site plan to accommodate this connection may be administratively approved.~~

As previously explained for stipulation S.2.k.7, staff has no objection to modify the above requirement, since the vehicular access from the Commercial Parcel B to a local

street in Residential Parcel C-3 will negatively impact the nearby residential lots.

Request #5:

Update phasing to reflect legislatively approved extension by HB 7207 as follow:

- Phase I extending from 2015 to 2019.
- Phase II extending from 2019 to 2023.

The build-out date of the current development order, PDMU-05-19(G)(R3) recognized the 4 year extension granted by SB 360 and SB 1752 for Phase I. The additional 4 year to be added to the build-out date for Phase I and Phase II are the result of the extension granted under recently adopted HB 7207.

The revision reflects an up-to-date version with what has already been approved. Staff has no objections as the extension has already been granted.

Staff Recommendation

In conclusion, staff recommends approval of Request #1 thru #5, #2 with additional language for clarification of Residential Support Uses conditions.

SITE CHARACTERISTICS AND SURROUNDING AREA

ADDRESS:	Not yet assigned
GENERAL LOCATION:	Generally north of S.R. 70, between Lakewood Ranch Boulevard and Lorraine Road
ACREAGE:	± 1,518.9 acres
EXISTING USE(S):	Agricultural & Residential (under construction)
FUTURE LAND USE CATEGORY:	UF-3 (Urban Fringe-3) – 1,516.3 acres RES-1 (Residential 1) – 2.6 acres
DENSITY:	2.9 units per acre gross 4.5 units per acre net
SPECIAL APPROVAL(S):	Previously granted for: <ul style="list-style-type: none"> • Mixed use project • Gross Density exceeding 1 dwelling unit/acre • Net Density exceeding 1 dwelling unit/acre • Non-Residential uses exceed 30,000 sq. ft. • Partially in Evers Watershed Overlay
OVERLAY DISTRICT(S):	ST (Special Treatment) WP-E (Watershed Protection – Evers)

SPECIFIC APPROVAL(S):	None
SURROUNDING USES & ZONING	
NORTH	<p>Land Use: Agriculture and Gullett Elementary School</p> <p>Zoning: A (General Agriculture)</p>
SOUTH	<p>Land Use: Agriculture and approved Lakewood Centre DRI, south of SR 70 is the Cypress Banks DRI</p> <p>Zoning: PDMU/WP-E/ST (Planned Development Mixed Use/ Watershed Protection Evers/Special Treatment Overlay District)</p>
EAST	<p>Land Use: Agriculture/Residential</p> <p>Zoning: A (General Agriculture), A/WP-E/ST</p>
WEST	<p>Land Use: Agriculture, and approved Lakewood Centre DRI (mixed use), across Lakewood Ranch Blvd. are community uses (YMCA) and a park, LECOM, and Rosedale Subdivision.</p> <p>Zoning: PDMU/WP-E/ST (Planned Development Mixed Use/ Watershed Protection Evers/Special Treatment Overlay District), PD-PI (Planned Development – Public Interest), and PDR (Planned Development Residential)</p>

SITE DESIGN DETAILS		
LOT SIZE(S):	<p><u>Single-Family Detached:</u> 4,950 sq. ft. (42' x 118') 9,000 sq. ft. (76' x 119') 9,000 sq. ft. (80' x 112')</p> <p><u>Single-Family Attached:</u> 2,500 sq. ft. (25' x 100')</p> <p><u>Single-Family Semi-Detached:</u> 4,950 sq. ft. (45' x 110')</p> <p><u>Commercial/Office:</u> 7,500 sq. ft.</p>	
SETBACKS:	EXISTING	PROPOSED
	<p><u>Commercial/Office</u> <u>Parcels B & D:</u> (Min Lot Size: 7,500 sq. ft.) Front: 40'</p>	<p><u>Commercial/Office</u> <u>Parcels B & D:</u> (Min Lot Size: 7,500 sq. ft.) Front: 40'</p>

	Sides: 15' Rear: 20'	Sides: 15' Rear: 30' <u>Residential Support Uses:</u> Front: 40' Sides: 15' Rear: 30'
OPEN SPACE:	538.98 acres - 35.5%	
RECREATIONAL AMENITIES:	<p>A 9.2 acre park in Central Park includes a soccer field, a softball field, play equipment, an open-air pavilion, and a recreation building with restrooms. A community center will be provided on the eastern side of the project. Ten (10) acres of additional parks will be provided, east of Pope Road, including a tot-lot playground.</p> <p>Approximately 12.9 acres of passive recreation will be in upland preserves, the two multi-family parcels will each have at least 1 acre of recreation area. A 15-acre County park will be immediately north of the project.</p>	
RECREATIONAL ACREAGE:	35.1 acres	
ACCESS:	Access is on Lakewood Ranch Boulevard, 44th Avenue East, Pope Road, Malachite Drive, SR 70, Lorraine Road, and Center Ice Parkway.	
FLOOD ZONE(S)	X, A, X500, and AE – Firm Panels 1201530360C and 1201530370C	
AREA OF KNOWN FLOODING	Only within and immediately adjacent to wetland systems at southeast and northeast corners of the site.	
UTILITY CONNECTIONS	<ul style="list-style-type: none"> • 42" water line available on the east side of Lakewood Ranch Boulevard • 12" force main on west side of Lakewood Ranch Boulevard • A 16" water line along Pope Road • A 24" force main along the west side of Pope Road • A 30" force main along the proposed right-of-way of 44th Avenue (west of Lorraine Road) 	

ENVIRONMENTAL INFORMATION				
Overall Wetland Acreage:		137.0 acres		
Proposed Impact Acreage:		0.3 acres for road crossings (previously approved)		
NEARBY DEVELOPMENT				
PROJECT	LOTS / UNITS	DENSITY/FAR	FLUC	APPROVED
Lakewood Centre DRI	3,675 units, 1,774,000 sq. ft. commercial, 1,563,000 sq. ft. office, and a 300-room hotel	4.3 units per acre gross 13.0 units per acre net 0.24 FAR	ROR	8/5/2008
Cypress Banks DRI	5,982 units 213,674 sq. ft. commercial	1.5 d.u./acre	UF-3/WO-E , ROR/WO-E & RES-1/ WO-E	Original: 8/9/89 Last NOPC: 12/04/08
Lakewood Ranch Commerce Park	621,300 sq. ft. mixed use (industrial, commercial, office)	.22 FAR	IL	Original: 7/25/00 Last Amendment: 9/4/08
SMR North 70, LLC/NAP Lakewood Walk, LLC	145,000 sq. ft. retail	.11 FAR	ROR/WO-E	Original: 11/3/05 Last Amendment: 10/26/10
LECOM	128,500 sq. ft. medical college	.17 FAR	P/SP-2	9/04/03
YMCA	37,000 sq. ft. community use	.05 FAR	RES-1	10/30/00

POSITIVE ASPECTS
<ul style="list-style-type: none">• Density and open space is not changing with this request.• Allow “Residential Support Uses” in residential parcels provides opportunities for the residents and employees of the area to find such uses without having to travel outside the immediate area.• The dimensional criteria changes will allow the project to be more flexible to changes in the market.
NEGATIVE ASPECTS
<ul style="list-style-type: none">• No parameters for the future review of Residential Support Uses.
MITIGATING MEASURES
<ul style="list-style-type: none">• Staff recommended additional notes on the GDP and stipulation to address the approval of Residential Support uses. The applicant has complied with this request.
STIPULATIONS
<p>See attached Zoning Ordinance</p>
REMAINING ISSUES OF CONCERN – NOT RESOLVED OR STIPULATED
<p>None</p>

CONCURRENCY

CLOS APPLIED FOR: Y N
TRAFFIC STUDY REQ'D: Y N

The proposed amendment has no impact on existing concurrency reservations. The number of proposed lots is not increasing at this time.

Northwest Sector DRI has an existing CLOS. CLOS-07-093 will expire on 12/31/2019 (reflects approval of LDA-10-01).

ATTACHMENTS

- 1. Applicable Comprehensive Plan Policies**
- 2. Copy of Newspaper Advertising**
- 3. Ordinance PDMU-05-19(G)(R4)**

APPLICABLE COMP PLAN POLICIES

Policy: 2.1.2.3 Permit the consideration of new residential and nonresidential development with characteristics compatible with existing development, in areas which are internal to, or are contiguous expansions of existing development if compatible with future areas of development.

Policy: 2.1.2.7 Review all proposed development for compatibility and appropriate timing. This analysis shall include:

- consideration of existing development patterns,
- types of land uses,
- transition between land uses,
- density and intensity of land uses,
- natural features,
- approved development in the area,
- availability of adequate roadways,
- adequate centralized water and sewer facilities,
- other necessary infrastructure and services.
- limiting urban sprawl

Policy: 2.2.1.11 UF-3: Establish the Urban Fringe – 3 Dwelling Units/Gross Acre future land use category as follows:

Policy: 2.2.1.11.1: Intent: To identify, textually, in the Comprehensive Plan's goals, objectives, and policies, or graphically on the Future Land Use Map, areas limited to the urban fringe within which future growth (and growth beyond the long term planning period) is projected to occur at the appropriate time in a responsible manner. The development of these lands shall follow a logical expansion of the urban environment, typically growing from the west to the east, consistent with the availability of services. At a minimum, the nature, extent, location of development, and availability of services will be reviewed to ensure the transitioning of these lands is conducted consistent with the intent of this policy. These UF-3 areas are those which are established for a low density urban, or clustered low-moderate density urban, residential environment, generally developed through the planned unit development concept. Also, to provide for a complement of residential support uses normally utilized during the daily activities of residents of these low or low-moderate density urban environments.

Policy: 2.2.1.11.2 Range of potential Uses (see Policies 2.1.2.3 – 2.1.2.7, 2.2.1.5): Suburban or urban density planned residential development with integrated residential support uses as part of such developments, medium retail and office commercial uses, short-term agricultural uses, agriculturally-compatible residential uses, farmworker housing, public or semi-public uses, schools, low intensity recreational uses, and appropriate water-dependent/water-related/water-enhanced uses (see also Objectives 4.2.1 and 2.10.4).

Policy 2.2.1.11.3 Range of Potential Density/Intensity: Maximum Gross Residential Density: 3 dwelling units per acre. Maximum Net Residential Density: 9 dwelling units per acres (except within the WO or CSVA Overlay Districts pursuant to Policies 2.3.1.5 and 4.3.1.5) Maximum Floor Area Ratio: 0.23 (0.35 for mini-warehouse use only)

Policy 2.2.1.11.4 Other information: (a) all mixed and multiple projects require special approval, as defined herein, and as further defined in any land development regulations developed pursuant to § 163.3202, F.S., (b) all projects for which gross residential density exceeds 1 dwelling unit per acre, or in which any net residential density exceeds 3 dwelling units per acre, shall require special approval, (c) any nonresidential project exceeding 30,000 square feet shall require special approval.

Objective 2.6.5 Quality in Project Design: Promote appropriate diversity within and between existing and future development projects to achieve high quality, efficient functioning design.

Policy: 2.6.5.1 Provide incentives for, and otherwise encourages the use of the planned unit development procedure to achieve quality, highly functional and well-integrated project designs.

Objective: 2.9.1 Strong Communities: Create and maintain communities which are characterized by their:

- connection, integration, and compatibility with surrounding land uses,
- community spaces and focal points,
- protection of the natural environment,
- connection and integration of pedestrian, bicycle, and vehicular systems,
- usable open spaces, and public access to water features,
- unifying design elements and features,
- variety of housing stock,
- pedestrian oriented structures, and pedestrian friendly design,
- connection to recreational facilities, schools, adjacent neighborhoods, employment opportunities and commercial uses.

Objective: 2.9.4 Community Image: Develop an aesthetically pleasing environment which enhances the image of Manatee County as a high quality community in which to live, work, and visit.

Copy of Newspaper Advertising

Bradenton Herald

NOTICE OF ZONING CHANGES IN UNINCORPORATED MANATEE COUNTY

NOTICE IS HEREBY GIVEN, that the Planning Commission of Manatee County will conduct a Public Hearing on **Thursday, October 13, 2011 at 9:00 a.m.** at the Manatee County Government Administrative Center, 1st Floor Chambers, 1112 Manatee Avenue West, Bradenton, Florida to consider, act upon, and forward a recommendation to the Board of County Commissioners on the following matters:

LDA-11-01 - PDR-06-34(Z)(P) PADDOCKS LAND VENTURE /THE PADDOCKS DTS#20110143

Request for approval of LDA-11-01 relating to the Paddocks project, approved as PDR 06 34(Z)(P); providing for the applicant's construction of improvements at the intersection of Ellenton-Gillette Road and Mendoza Road; providing for the approval of an extended Certificate of Level of Service Compliance for public facilities for the Project; and providing for the extension of the Preliminary Site Plan approved for the Project. The Project is located on a 82.04± acre parcel of property located in Manatee County, generally bounded by 37th Street East (a/k/a Mendoza Road) on the north, Ellenton-Gillette Road on the east, 29th Street East on the south, and the Seaboard Coast Line Railroad on the west. Through prior approvals, the Project has been approved for a maximum of two hundred sixty-four (264) residential units, consisting of forty-eight (48) lots for single-family detached residences, one hundred four (104) single-family residences on a single parcel, and one hundred twelve (112) multi-family units with at least twenty-six (26) of the units designated as workforce housing. The Project is approved with a maximum height of thirty-five (35) feet for all uses.

PDMU-05-19(G)(R4) - NORTH- WEST SECTOR DTS20110193

Request: An Ordinance of the Board of County Commissioners of Manatee County, Florida, amending and restating Ordinance PDMU-05-19(Z)(G)(R), PDMU-05-19(Z)(G)(R2) and PDMU-05-19(G)(R3) to amend the General Development Plan to:

- Reallocate single-family units among parcels;
- Add residential support as a use;
- Modify dimensional criteria;
- Allow design flexibility by revising restrictions on land use and design criteria;
- Amend stipulations to facilitate these changes;
- Update the phasing table to reflect legislatively approved extensions;

subject to stipulations as conditions of approval; setting forth findings; providing a legal description; providing for severability, and providing an effective date. The development has been approved for 4,422 residences, 200,000 square feet of commercial space, 105,000 square feet of office space and a 120 bed group care facility, generally east of Lakewood Ranch Boulevard, south of 44th Avenue East extension, west of Lorraine Road, and north of S.R. 70. A 39.3 ± acre parcel is west of Lakewood Ranch Boulevard (1,518.9 ± acres).

PDMU-05-09(P)(R2) - CEN- TRAL PARK DTS20110194

An Ordinance of the Board of County Commissioners of Manatee County, Florida, approving an amended Zoning Ordinance and revised Preliminary Site Plan by amending the following:

- Increase the residential units from 800 to 826;
- Allow residential support uses;
- Modify commercial parcels boundaries;
- Reallocate commercial square footage;
- Modify dimensional criteria;
- Allow design flexibility by removing restrictions on land uses and design criteria;
- Amend the Ordinance definitions, conditions, and terminology to reflect the above changes;

subject to stipulations as conditions of approval; setting forth findings; providing a legal description; providing for severability, and providing an effective date. The site is generally located east of Lakewood Ranch Boulevard, south of 44th Avenue East, north of Malachite Drive and west of Pope Road, Bradenton (372 ± acres).

PDR-04-01(P)(R) - RIVER'S REACH (FKA: WATER'S EDGE) DTS20110162

An Ordinance of the Board of County Commissioners of Manatee County, Florida, amending Ordinance No. PDR-04-01(P) and the Preliminary Site Plan for the River's Reach Subdivision to:

1. Increase the number of single-family residential lots from 257 to 326 (69 additional lots),
2. Modify the overall gross density from 1.03 dwelling units per acre to 1.31 dwelling units per acre,
3. Modify Phase 1 lot sizes from 80' wide to a minimum of 52' and modify the front and side yard setbacks;
4. Relocate existing recreational amenities in Phase 2; and
5. Change existing stipulations to reflect the above, update departmental references, and reflect current standards.

The River's Reach Subdivision (249.17+ acres) is within the PDR/NCO (Planned Development Residential/North Central Overlay) zoning district. The site is north of the Manatee River on the west side of North Rye Road, in Parrish; subject to stipulations as conditions of approval; setting forth findings; providing a legal description; providing for severability, and providing an effective date.

PDMU-92-01(G)(R13) SCHROEDER-MANATEE RANCH, INC. / UNIVERSITY LAKES

An Ordinance of the Board of County Commissioners of Manatee County, Florida, relating to land development, amending Stipulation Q.(1) of Ordinance PDMU-92-01(Z)(G)(R12) and amending the General Development Plan to reallocate 100 multi-family units from Parcel 53 to Parcel 15, 16,791 square feet of non-residential square footage from Parcel 15 to Parcel 4/5, and 255 hotel rooms from Parcel 15 to Parcel 4/5 and amending note 2(E) regarding Parcel 15; other minor amendments as necessary; setting forth findings; providing for severability; and providing an effective date.

University Lakes is at the north-east intersection of the University Parkway and I-75 interchange, south of SR70, north of University Parkway, and east of I-75 to the current boundary at three miles east of Lorraine Road. The present zoning is PDMU/WP-E/ST (Planned Development Mixed Use / Evers Reservoir Watershed Protection and Special Treatment Overlay District) (4,101.2 ± acres).

All interested parties are invited to appear at this public hearing and be heard, subject to proper rules of conduct. Additionally, any written comments filed with the Director of the Building and Development Services Department will be heard and considered by the Planning Commission and entered into the record.

It is important that all parties present their concerns to the Planning Commission in as much detail as possible. The issues identified at the Planning Commission hearing will be the primary basis for the final decision by the Board of County Commissioners. Interested parties may examine the Official Zoning Atlas, the applications, related documents, and may obtain assistance regarding these matters from the Manatee County Building and Development Services Department, 1112 Manatee Avenue West, 2nd Floor, Bradenton, Florida, telephone number (941) 748-4501x6878; e-mail to: planning.agenda@mymanatee.org

According to Section 286.0106, Florida Statutes, if a person decides to appeal any decision made with respect to any matters considered at such meetings or hearings, he or she will need a record of the proceedings, and for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record would include any testimony or evidence upon which the appeal is to be based.

Americans With Disabilities: The Board of County Commissioners of Manatee County does not discriminate upon the basis of any individual's disability status. This non-discrimination policy involves every aspect of the Board's functions including one's access to and participation in public hearings. Anyone requiring reasonable accommodation for this meeting as provided for in the ADA, should contact Kaycee Ellis at 742-5800; TDD ONLY 742-5802 and wait 60 seconds, or FAX 745-3790.

THIS HEARING MAY BE CONTINUED FROM TIME TO TIME PENDING ADJOURNMENTS.
MANATEE COUNTY PLANNING COMMISSION
Manatee County Building and Development Services Department
Manatee County, Florida
09/29/2011

NOTICE OF ZONING CHANGES IN UNINCORPORATED MANATEE COUNTY

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LDA-11-01 PDR-06-34(Z)(P)
PADDOCKS LAND VENTURE/THE PADDOCKS
 DTS#20110143

Request for approval of LDA-11-01 relating to the Paddock's project, approved as PDR 06 34(Z)(P); providing for the applicant's construction of improvements at the intersection of Eilenton-Gillette Road and Mendoza Road; providing for the approval of an extended Certificate of Level of Service Compliance for public facilities for the Project; and providing for the extension of the Preliminary Site Plan approved for the Project. The Project is located on a 82.04± acre parcel of property located in Manatee County, generally bounded by 37th Street East (a/k/a Mendoza Road) on the north, Eilenton-Gillette Road on the east, 29th Street East on the south, and the Seaboard Coast Line Railroad on the west. Through prior approvals, the Project has been approved for a maximum of two hundred sixty-four (264) residential units, consisting of forty-eight (48) lots for single-family detached residences, one hundred four (104) single-family residences on a single parcel, and one hundred twelve (112) multi-family units with at least twenty-six (26) of the units designated as workforce housing. The Project is approved with a maximum height of thirty-five (35) feet for all uses.

PDMU-05-19(G)(R4) - NORTHWEST SECTOR
 DTS20110193

Request: An Ordinance of the Board of County Commissioners, of Manatee County, Florida, amending and restating Ordinance PDMU-05-19(Z)(G)(R), PDMU-05-19(Z)(G)(R2) and PDMU-05-19(G)(R3) to amend the General Development Plan to:

- Reallocate single-family units among parcels;
- Add residential support as a use;
- Modify dimensional criteria;
- Allow design flexibility by revising restrictions on land use and design criteria;
- Amend stipulations to facilitate these changes;
- Update the phasing table to reflect legislatively approved extensions;

subject to stipulations as conditions of approval; setting forth findings; providing a legal description; providing for severability; and providing an effective date. The development has been approved for 4,422 residences, 200,000 square feet of commercial space, 105,000 square feet of office space and a 120 bed group care facility, generally east of Lakewood Ranch Boulevard, south of 44th Avenue East extension, west of Lorraine Road, and north of S.R. 70. A 39.3 ± acre parcel is west of Lakewood Ranch Boulevard (1,518.9 ± acres).

PDMU-05-09(P)(R2) - CENTRAL PARK
 DTS20110194

An Ordinance of the Board of County Commissioners of Manatee County, Florida, approving an amended Zoning Ordinance and revised Preliminary Site Plan by amending the following:

- Increase the residential units from 800 to 828;
- Allow residential support uses;
- Modify commercial parcels boundaries;
- Reallocate commercial square footage;
- Modify dimensional criteria;
- Allow design flexibility by removing restrictions on land uses and design criteria;
- Amend the Ordinance definitions, conditions, and terminology to reflect the above changes;

subject to stipulations as conditions of approval; setting forth findings; providing a legal description; providing for severability; and providing an effective date. The site is generally located east of Lakewood Ranch Boulevard, south of 44th Avenue East, north of Malachite Drive and west of Pope Road, Bradenton (372 ± acres).

PDR-04-01(P)(R) - RIVER'S REACH (FKA: WATER'S EDGE)
 DTS20110182

An Ordinance of the Board of County Commissioners of Manatee County, Florida, amending Ordinance No. PDR-04-01(P) and the Preliminary Site Plan for the River's Reach Subdivision to:

1. Increase the number of single-family residential lots from 257 to 326 (69 additional lots);
2. Modify the overall gross density from 1.03 dwelling units per acre to 1.31 dwelling units per acre;
3. Modify Phase 1 lot sizes from 80' wide to a minimum of 52' and modify the front and side yard setbacks;
4. Relocate existing recreational amenities in Phase 2; and
5. Change existing stipulations to reflect the above, update departmental references, and reflect current standards.

The River's Reach Subdivision (249.17 + acres) is within the PDR/NCO (Planned Development Residential/North Central Overlay) zoning district. The site is north of the Manatee River on the west side of North Rye Road, in Parrish; subject to stipulations as conditions of approval; setting forth findings; providing a legal description; providing for severability; and providing an effective date.

PDMU-92-01(G)(R13) SCHROEDER-MANATEE RANCH, INC./ UNIVERSITY LAKES

An Ordinance of the Board of County Commissioners of Manatee County, Florida, relating to land development, amending Stipulation Q.(1) of Ordinance PDMU-92-01(Z)(G)(R12) and amending the General Development Plan to reallocate 100 multi-family units from Parcel 53 to Parcel 15, 16,791 square feet of non-residential square footage from Parcel 15 to Parcel 4/5, and 255 hotel rooms from Parcel 15 to Parcel 4/5 and amending note 2(E) regarding Parcel 15; other minor amendments as necessary; setting forth findings; providing for severability; and providing an effective date.

University Lakes is at the northeast intersection of the University Parkway and I-75 interchange, south of SR70, north of University Parkway, and east of I-75 to the current boundary at three miles east of Lorraine Road. The present zoning is PDMU/WP-E/ST (Planned Development Mixed Use / Evers Reservoir Watershed Protection and Special Treatment Overlay District) (4,101.2 ± acres).

All interested parties are invited to appear at this public hearing and be heard, subject to proper rules of conduct. Additionally, any written comments filed with the Director of the Building and Development Services Department will be heard and considered by the Planning Commission and entered into the record.

It is important that all parties present their concerns to the Planning Commission in as much detail as possible. The issues identified at the Planning Commission hearing will be the primary basis for the final decision by the Board of County Commissioners. Interested parties may examine the Official Zoning Atlas, the applications, related documents, and may obtain assistance regarding these matters from the Manatee County Building and Development Services Department, 1112 Manatee Avenue West, 2nd Floor, Bradenton, Florida, telephone number (941) 748-4501x6878; e-mail to: planning.agenda@mymanatee.org

According to Section 286.0105, Florida Statutes, if a person decides to appeal any decision made with respect to any matters considered at such meetings or hearings, he or she will need a record of the proceedings, and for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record would include any testimony or evidence upon which the appeal is to be based.

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THIS HEARING MAY BE CONTINUED FROM TIME TO TIME PENDING ADJOURNMENTS.
 MANATEE COUNTY PLANNING COMMISSION
 Manatee County Building and Development Services Department
 Manatee County, Florida

Date of pub: September 30, 2011

**MANATEE COUNTY ORDINANCE NO.
PDMU-05-19(G)(R4)
NORTHWEST SECTOR**

AN ORDINANCE OF MANATEE COUNTY, FLORIDA, REGARDING LAND DEVELOPMENT AMENDING AND RESTATING ORDINANCE PDMU-05-19(Z)(G)(R), PDMU-05-19(Z)(G)(R2) and PDMU-05-19(G)(R3) TO AMEND THE GENERAL DEVELOPMENT PLAN TO REALLOCATE SINGLE FAMILY UNITS AMONG PARCELS, ADD RESIDENTIAL SUPPORT AS A USE, MODIFY DIMENSIONAL CRITERIA, ALLOW DESIGN FLEXIBILITY BY REVISING RESTRICTIONS ON LAND USES AND DESIGN CRITERIA, AMEND STIPULATIONS TO FACILITATE THESE CHANGES, AND UPDATE THE PHASING TABLE TO REFLECT LEGISLATIVELY APPROVED EXTENSIONS. CRITERIA. THE DEVELOPMENT HAS BEEN APPROVED FOR 4,422 RESIDENCES, 200,000 SQUARE FEET OF COMMERCIAL SPACE, 105,000 SQUARE FEET OF OFFICE SPACE, AND A 120 BED GROUP CARE FACILITY; SETTING FORTH PROVIDING FOR SEVERABILITY DEFINITIONS; PROVIDING FOR FINDINGS OF FACT; PROVIDING A LEGAL DESCRIPTION; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA:

SECTION 1. AMENDMENT AND RESTATEMENT OF ORDINANCE NO. PDMU-05-19(Z)(G)(R), PDMU-05-19(Z)(G)(R2) and PDMU-05-19(G)(R3). Ordinance PDMU-05-19(Z)(G)(R); ~~(as amended by PDMU-05-19(Z)(G)(R2) and PDMU-05-19(G)(R3))~~ are ~~is~~ hereby amended and restated in entirety below. All prior zoning ordinances (and any site plans approved pursuant thereto) shall be superseded by this ordinance. Any extensions, or rights to extensions, granted by the State Legislature pursuant to general law, or by Manatee County, to any dates contained herein are not intended to be changed or rescinded by the passage of this ~~amendment~~ amended and restated ordinance.

SECTION 2 DEFINITIONS. All capitalized terms used herein shall have the meanings set forth in the Northwest Sector DRI Ordinance 07-68, Section 380.06 F.S., the Manatee County Comprehensive Plan, or the Manatee County Land Development Code, in that order of precedence.

SECTION 3. FINDINGS OF FACT. The Board of County Commissioners (BOCC) of Manatee County, after considering the testimony, evidence, documentation, application for amendment to the Zoning Ordinance, the recommendation and findings of the Planning

Commission, and all other matters presented to the Board at the public hearing hereinafter referenced, hereby makes the following findings of fact:

- A. The BOCC received and considered the report of the Manatee County Planning Commission concerning the application to amend the General Development Plan and Zoning Ordinance to extend the phase dates by four (4) years as legislatively ~~approved by~~ required pursuant to HB 7207; reallocate 26 single family units; add Residential Support uses; modify dimensional criteria, and allow design flexibility by removing restrictions on land uses and design criteria. The development has been approved for 4,422 residences, 200,000 square feet of commercial space, 105,000 square feet of office space, and an option to exchange other land uses for a 120 person (maximum) group care facility in the Northwest Sector project.
- B. The Planning Commission has held a duly noticed public hearing on October 13, 2011 and found the Zoning Ordinance and the General Development Plan consistent with the 2020 Manatee County Comprehensive Plan (Ordinance 89-01, as amended) and recommended adoption of the Zoning Ordinance and approval of the General Development Plan. The BOCC held a public hearing on November 3, 2011 regarding the proposed General Development Plan described herein in accordance with the requirements of the Manatee County Land Development Code (Ordinance No. 90-01) and regarding the proposed amendment to the zoning ordinance as listed below, and further considered the information received at the public hearing.
- C. The proposed amended and restated General Development Plan regarding the property described in Section 4 herein is found to be consistent with the requirements of the 2020 Manatee County Comprehensive Plan (Ordinance No. 89-01), as amended.

SECTION 4. GENERAL DEVELOPMENT PLAN

The General Development Plan is hereby APPROVED to allow a maximum of 4,422 residences, 200,000 square feet of commercial space, 105,000 square feet of office space, and a 120 bed group care facility, with the following stipulations:

A. DEVELOPMENT APPROVAL

- A(1). This Zoning Ordinance shall constitute approval of the General Development Plan subject to the conditions set forth herein and limited to the development amounts set forth in Table 1, below.

TABLE 1 - DEVELOPMENT TOTALS			
TYPE OF DEVELOPMENT: Multi-Use Development.			
Land Use	PHASE I 2007-2019¹	PHASE II 2009-2023¹	TOTAL
Commercial	200,000 s.f.	0	200,000 s.f.
Office	105,000 s.f.	0	105,000 s.f.
Residential ²			
Single-family	2,650 units	1,422 units	4,072 units
Multi-family	350 units	0	350 units
Total Residential Units	3,000 units	1,422 units	4,422 units

¹ December 31st of referenced year which includes legislatively approved extensions (SB 360 and SB 1752) for Phase I and HB 7207 for Phases I and II.

² Includes the option for a group care facility for up to 120 beds as part of a land use exchange. The Land Use Equivalency Matrix allows the exchange of other approved land uses (single-family detached, multi-family, commercial, and office space) for Group Care Facility (a.k.a. Assisted Living Facility) beds.

- A(2). For Phase I, the Developer has demonstrated the availability of adequate infrastructure and the ability to meet Acceptable Levels of Service for roadways, mass transit, drainage, and parks and recreation. The Certificate of Level of Service for Phase I shall be valid until December 31, 2019, or as may be extended pursuant to the terms of the Northwest Sector/Lakewood Centre Local Development Agreement (LDA-10-01), and subject to the limitations set forth in Stipulation B(3).
- A(3). The Project site may continue to be used for agricultural activities, but at no greater intensity than at present. No silvacultural or agricultural activities shall be initiated on land not currently under such use.
- A(4). Preliminary and Final Site Plan Applications shall be reviewed for compliance with this Zoning Ordinance and shall be subject to the requirements of the Manatee County Comprehensive Plan and Land Development Code in effect at the time of such site plan application which are not specifically addressed in this Zoning Ordinance or are not inconsistent with this Zoning Ordinance.
- A(5). Each Preliminary Site Plan shall be reviewed to determine compatibility (both internally and externally) and design quality (relative to both site layout and building design), pursuant to the applicable sections of Section 603.4 of the Land Development Code. Staff may impose additional requirements and require site plan alterations in order to address concerns relating to these issues.

B TRANSPORTATION

B(1).The following roadway links are determined to be required link improvements for Phase I of the Project due to the percentage of Project traffic impacting the roadway and the resulting Level of Service (LOS). **(Phase 1 Mitigation Measures shall be completed Pursuant to LDA-10-01)**

**TABLE 2
PHASE I LINK IMPROVEMENTS**

ROADWAY SEGMENTS

Link	From/To	Improvement	External Trip Threshold*	ERUs
SR 64	39th St/Morgan Johnson Road	6-lanes	1,881	2,266
SR 64	Lena Rd/Lakewood Ranch Blvd	6-lanes	514	619
SR 70	Tara Blvd/I-75 West	6 lanes with continuous East & West right turn or drop lanes	1,822	2,195
Lakewood Ranch Blvd	SR64/Center Ice Pkwy	4-lanes	1,148	1,383

* Threshold volume is based upon the number of net external trips at which Project traffic becomes significant (at least 5%) on the affected roadway segment.

B(2). The following intersection improvements are determined to be required intersection improvements for the Project due to the percentage of development traffic impacting the intersection and the resulting Level of Service (LOS). **(Phase 1 Mitigation Measures shall be completed Pursuant to LDA-10-01)**

**TABLE 3
PHASE I INTERSECTION IMPROVEMENTS**

INTERSECTIONS

Roadway	Intersection	Improvement	External Trip Threshold	ERUs
SR 70	US 301	Add 2 nd EBL and one Thru lane to all approaches	2,610	3,144
SR 70	45th St E	Add SBR, 2 nd NBL, and 2 nd WBL	1,041	1,254
SR 70	Caruso Road	Add NB Left	2,577	3,104

PDMU-05-19(G)(R4) – Northwest Sector

Roadway	Intersection	Improvement	External Trip Threshold	ERUs
SR 70	Tara Blvd	Add WB Thru Lane to result in 8 thru lanes	2,159	2,601
SR 70	I-75 West	Add EB Thru Lane to result in 8 thru lanes	2,257	2,719
SR 70	Pope Road	Signalize When Warranted	N/A	
SR 70	87 th St E	Add EB & WB Thru Lanes	2,083	2,509
SR 64	Morgan Johnson Road	Add EB and WB Thru Lane to result in 6 thru lanes	2,126	2,561
SR 64	27th St	NBL	3,041	3,663
SR 64	I-75 East	Add 2 nd EBL and NB receiving lane	1,603	1,931
SR 64	Lakewood Ranch Blvd	Add 2nd EBL, 2nd WBL, and 2nd NBL and Add one Thru lane to NB approach, Add NB and SB Receiving lanes	164	197
SR 64	Rye Road	Add SBR and Signalize	733	883
Lakewood Ranch Blvd	44th Avenue E.	Signalize When Warranted	N/A	
Lakewood Ranch Blvd	Malachite Drive	Signalize When Warranted	N/A	
University Parkway	Honore Avenue	Add 2nd WBL	1,439	1,733
University Parkway	I-75 East	Add 3rd NBL	2,388	2,877
University Parkway	Market Street	Add 2nd NBL	2,093	2,521
Lorraine Road	SR 64	Add a NBL and Signalize	1,714	2,065

NB means northbound, WB means westbound, SB means southbound, and EB means eastbound.

B(3). The improvements listed above are triggered by stated ‘External Trip Thresholds’ based upon the traffic study submitted in the record in support of this ordinance. At present, the County has funded and scheduled construction for the improvements to SR 64 from Lena Road to Lakewood Ranch Boulevard and including the intersection referenced above, which will provide sufficient transportation infrastructure to support the development up to the threshold triggering additional improvements (“post-SR 64 threshold”). Accordingly, development that does not trigger a post-SR 64 threshold may be permitted at the time of adoption of this development order subject to the requirements of stipulation B(221) and the conditions set forth in the CLOS to be issued pursuant to the County’s Comprehensive Plan and LDC.

The Developer and the County have entered into discussions to work out a broader solution to the transportation concurrency needs in the area, which may require

changes to the list of improvements set forth above and agreed-upon mechanisms for the financing and construction of such improvements. In order to satisfy the concurrency requirements of the County's Comprehensive Plan, no development that triggers a post-SR 64 threshold shall be permitted unless and until the County and Developer have, in the context of such discussions, determined the improvements necessary to support such development (which may reflect changes to the above list of required improvements), and the method of financing and constructing such improvements. Such required improvements, and the mechanisms for financing and constructing them, shall be established pursuant to a Local Development Agreement or other appropriate instrument, an amendment to this ordinance, or through the scheduling and funding of such improvements by the County in accordance with applicable law, and may include mitigation of transportation impacts through an agreement for proportionate fair-share mitigation pursuant to Section 511 of the Land Development Code. **(Phase 1 Mitigation Measures shall be completed Pursuant to LDA-10-01)**

- B(4). In the event that Funding Commitments for transportation improvements are only adequate to permit approval of a portion (subphase) of the development, the capacity and loading of transportation facilities in the Transportation Impact Area, shall be limiting factors in any subsequent approvals. A subphase analysis has been performed, and cumulative subphases have been identified in Transportation Conditions Tables 2 and 3. An initial subphase of 768 external pm peak hour trips has been identified as requiring no transportation improvements.

The Developer shall be bound by the external trip thresholds set forth in Tables 2 and 3, unless the Developer files a Notice of Proposed Change application and provides the County, an updated traffic analysis for the Transportation Impact Area taking into account previously permitted development in the Project plus that to be generated by the next subphase. Copies of this transportation analysis shall be submitted to Manatee County and TBRPC for review and comment. Each updated traffic analysis shall serve to verify the findings of the initial DRI traffic analysis or shall indicate alternate transportation improvements or mechanisms which, when implemented, will maintain the roadways and intersections referenced in Tables 2 and 3 at the appropriate Level of Service. In the event that a new analysis demonstrates the need for alternate improvements or different trip trigger thresholds, the Zoning Ordinance shall be amended to reflect the revised thresholds or improvements. **(Phase 1 Mitigation Measures shall be completed Pursuant to LDA-10-01)**

- B(5). With each Final Site Plan application, the Developer shall submit to the County a limited traffic study which shows the following:
1. External P.M. peak hour trips predicted to be generated by the subphase, plus all previously approved subphases, to demonstrate whether any improvement thresholds reported in Table 2 or Table 3 are reached; and,

2. An assessment of the estimated traffic operations and turning with the conceptual design of the driveways serving the Project covered by the Final Site Plan application.

In the event that that total external p.m. peak hour trips projected to be generated exceeds the threshold levels identified in Tables 2 and 3, and the corresponding Funding Commitments have not been provided, no further Final Site Plan approvals shall be granted unless the Developer prepares an analysis which identifies the revised total external p.m. peak hour trips after which the road improvement would be required under the new subphase analysis. The Zoning Ordinance shall be amended to reflect these revised trip levels. **(Phase 1 Mitigation Measures shall be completed Pursuant to LDA-10-01)**

- B(6). All improvements to state roadways will require FDOT approval and all improvements to County roads will require Manatee County Transportation Department approval.
- B(7). Access to and from the site shall be in accordance with state and local access regulations and as generally shown on the General Development Plan (GDP).
- B(8). Prior to or concurrent with each Final Plat approval, right-of-way for the adjacent roadways, as shown on the General Development Plan, shall be dedicated. This dedication shall be eligible for impact fee credits to the extent allowed by Section 806 of the Manatee County Land Development Code and applicable law.
- B(9). Thoroughfare roads that abut this site shall be constructed or a bond posted subject to the approval as to form by the County Attorney, at the cost of the Developer or other appropriate entity, prior to approval of development that has access on that roadway, as such development is generally shown on the GDP subject to timing changes that may be revised as a result of the broader solution set forth in Stipulation B(3). At a minimum, deadlines for completion (or the posting of a bond) of these roads and Malachite Drive shall be as follows:
 - a. 44th Avenue
 1. From Lakewood Ranch Boulevard to Pope Road, prior to the first Certificate of Occupancy or Temporary Certificate of Occupancy for the commercial parcel at Pope Road and 44th Avenue, or the first Final Plat approval in Parcel G-1, whichever occurs first. **(Completed)**
 2. From Lakewood Ranch Boulevard to Lorraine Road, prior to the first Final Plat approval in Parcel G-3.
 - b. Pope Road
 1. From 44th Avenue to the northern terminus of Pope Road, prior to the first Certificate of Occupancy or Temporary Certificate of

Occupancy for the commercial parcel at Pope Road and 44th Avenue, or the first Final Plat approval in Parcel G-2, whichever occurs first.

2. From its northern terminus to Malachite Drive, prior to the first Final Plat approval in Parcel G-4.

c. Center Ice Parkway

From Pope Road to the eastern most access into Parcels G-7 or G-9, prior to the first Final Plat approval in Parcels G-7 or G-9. If the right-of-way for Center Ice Parkway has been acquired to Lorraine Road, the Developer shall construct the road to Lorraine Road.

d. Malachite Drive

From Lakewood Ranch Boulevard to Pope Road, prior to the first Certificate of Occupancy or Temporary Certificate of Occupancy for the commercial parcel at Pope Road and 44th Avenue, or first Final Plat approval in Parcels G-2 or G-4, whichever occurs first.

All roads shall be constructed with the outside 2 lanes of a 4 lane divided design, including sidewalks, bike lanes, appropriate intersection improvements, and associated stormwater facilities.

This construction shall be eligible for impact fee credits to the extent allowed by Section 806 of the Manatee County Land Development Code and applicable law. **(Phase 1 Mitigation Measures shall be completed Pursuant to LDA-10-01)**

- B(10). Beginning one year after the first Final Plat or Certificate of Occupancy has been issued, an annual monitoring program to provide peak hour counts at the Project entrances shall be instituted to verify that external trip improvement thresholds specified in Tables 2 and 3 for Phase I of the Project are not exceeded. Counts shall continue on an annual basis through buildout of Phase I. The methodology for the annual monitoring program shall be approved by staff. **(Phase 1 Mitigation Completed Pursuant to LDA-10-01)**
- B(11). Prior to development of Phase II, a revised transportation analysis shall be submitted, pursuant to Section 380.06(6), Florida Statutes. This analysis shall address potential transportation impacts which might result from the development of this phase.
- B(12). Bicycle and pedestrian facilities shall be constructed on both sides of any road designated as a collector or higher, in accordance with the LDC. All bike lanes shall be constructed in accordance with Manatee County standards.
- B(13). The Developer shall provide sidewalks along both sides of all streets throughout the Project.

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- B(14). The Developer shall provide roadways and pedestrian connections to perimeter roads, schools, and parks, as determined at time of Preliminary Site Plan approval.
- B(15). The Developer shall work with Manatee County Area Transit (MCAT) on identifying a potential transit stop(s) within the Project. At such time that MCAT has established a plan for service to the Project and coordinated needed location(s) for a transit stop with Developer, the Developer shall accommodate the requisite stop(s) within the Project.
- B(16). The Developer shall grant to the appropriate agency or agencies, a non-ingress/egress easement prohibiting vehicular access to and from the development via SR 70, Lakewood Ranch Boulevard, 44th Avenue, Center Ice Parkway, Lorraine Road, and Pope Road, except as shown on the General Development Plan for permitted road and driveway crossings. No dead-end roadways or cul-de-sacs shall exceed 800' in length, except for temporary exceedences based on phasing, if approved by the Fire District, based on subphasing.
- B(17). Center Ice Parkway is planned as a Collector Roadway to be extended to Lorraine Road and beyond to the east. The exact alignment has not yet been determined. Therefore, no PSP may be approved for any development in those portions of Parcels G-5, G-6, G-7, G-9, H, or I set forth on Exhibit 3 identified as "Potential Center Ice Parkway Right of Way" until Manatee County has completed a Corridor Route Study for the extension of Center Ice Parkway. Manatee County has estimated that it will complete the corridor study no later than May 31, 2008. In the event Manatee County does not complete the Corridor Study by May 31, 2008 Manatee County shall retain full authority to review and take action on the above-described PSP. The Lakewood Ranch Stewardship District, at its option, may conduct the Corridor Route Study. If this option is exercised, the Lakewood Ranch Stewardship District shall submit the completed study for the County to review at least 30 days prior to the May 31, 2008 deadline. **(Completed)**

The Developer shall be responsible for the construction of Center Ice Parkway to the eastern property line and the County shall be responsible beyond the property line, which may be constructed by the Developer pursuant to a reimbursement agreement.

- B(18). Prior to or concurrent with each Final Plat approval abutting perimeter roads, right-of-way for adjacent perimeter roadways as shown on the Preliminary and Final Site Plans shall be dedicated.
- B(19). The developer shall dedicate sufficient right-of-way at all roadway intersections to accommodate the future buildout design for each intersection. This shall be determined and shown on all Preliminary and Final Site Plans.
- B(20). Manatee County is in the process of developing performance standards to mitigate the noise generated along multi-lane thoroughfares. If such standards are adopted by the Board of County Commissioners prior to the submission of the first Preliminary Site Plan or Final Site Plan with proposed residences adjacent to a

planned multi-lane thoroughfare, that and all other subsequent Preliminary Site Plans and Final Site Plan shall comply with those adopted standards.

If Manatee County has not adopted performance standards to mitigate the noise generated along multi-lane thoroughfare have not been adopted prior to the submission of the first Preliminary Site plan or Final Site Plan with proposed residences adjacent to a planned multi-lane thoroughfare, the developer shall prepare for staff review and approval a noise mitigation plan for mitigation of noise from thoroughfare roads. The noise mitigation plan shall apply to the entire Project.

The analysis contained in the noise mitigation plan shall be based on projected 2025 traffic volumes. Thoroughfare noise mitigation measures in each Preliminary Site Plan and Final Site Plan shall be consistent with the approved noise mitigation plan. **(Completed)**

- B(21) At the time of Preliminary Site Plan, Final Site Plan, and Construction Plan approval for each phase of the project the developer shall be responsible for any additional on-site or off-site transportation operational and safety improvements attributable to this project, as determined by the Public Works Department, and in accordance with LDC Section 722.1.3.4., as well as any capacity improvements associated with the issuance of a Certificate of Level of Service.

C. WETLANDS

- C(1). All wetlands defined as "Preservation or Conservation Areas" by TBRPC (as shown on the General Development Plan (Exhibit 1) shall be preserved or conserved, respectively, except as shown on the GDP and as indicated in Condition C(3). The Developer shall not conduct dredging, filling, or any development activity within those Preservation or Conservation Areas, except as shown on the GDP and as indicated in Condition C(3).
- C(2). Except for wetland restoration and enhancement and naturally occurring fluctuations, no hydroperiod alteration shall be permitted in Preservation Areas. Natural annual hydroperiods, normal pool elevations, and seasonal high water elevations shall be substantially maintained or improved.
- C(3). Any allowable wetland losses shall require compensation in accordance with the Manatee County Land Development Code (LDC Section 719), as specified in permits issued under 40D-4 FAC or under 62-340, FAC, as appropriate. Mitigation for wetland losses shall be implemented prior to, or concurrent with, the wetlands being disturbed. Mitigation may be provided by withdrawal of available mitigation credits from the Long Swamp Ecosystem Management Plan, if approved by appropriate agencies. Any on-site wetland compensation areas shall require monitoring and maintenance activities. Percent coverage of desirable plant species in the on-site created wetlands and enhanced wetlands shall meet or exceed eighty-five percent (85%) for at least two (2) years for herbaceous wetland systems and for at least five (5) years for forested wetlands. Yearly replanting and maintenance of

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FLUCF CS Code	Pre- Constructio n	Post-Construction		Habitat (w/in Wetland Buffers)		Habitat (w/in Upland Conservation)	
					buffers)		conservation)
411	117.8	21.7	18.4%	12.4	22.8%	7.0	14.5%
414	59.9	31.7	52.9%	12.9	23.7%	16.0	29.4%
Total	177.7	53.4	30.1%	25.3	47.4%	23.9	44.8%

Area	411	414	Total
Wetland Buffers	12.4	12.9	25.3
Perimeter Buffers	1.4	2.8	4.2
Upland Preservation Areas	7.9	16.0	23.9
Total	21.7	31.7	53.4

The preservation areas shall be clearly delineated, labeled and quantified on the Preliminary Site Plan. Upland Preservation Areas may be reconfigured, subject to Planning Director approval, with the Preliminary Site Plan provided that the overall acreage, general location, and quality of preserved habitat remain consistent with those shown on the approved GDP. Limited impacts may be permitted for suitable recreational areas (passive parks, pocket parks, etc.) Recreation improvements shall be designed in a manner that minimizes impacts to mature trees, dense tree clusters or significant vegetation.

- D(3). Unless otherwise approved by the Building and Development Services Department, native or drought tolerant landscape materials shall be utilized. The developer and future owners of the site shall be required to participate in the Florida Yards and Neighborhood Program.
- D(4). 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 each Final Site Plan approval. A Management Plan, approved by the appropriate State or Federal agency, shall be provided to the Building and Development Services Department for any listed species found on-site, prior to Final Site Plan approval.
- D(5). Final Site Plans within management guideline distances (as prescribed by US Fish and Wildlife Service) of the bald eagle nest shall be designed in accordance with the current Habitat Management Guidelines for the Bald Eagle or a Habitat Management Plan for Bald Eagles, approved by the U.S. Fish and Wildlife Service.
- D(6). In the event that any state- or federally-listed species are discovered breeding on-site during project development, the Developer shall immediately notify the Florida Fish and Wildlife Conservation Commission and implement the recommended measures for species protection.
- D(7). Appropriate wildlife passageways shall be incorporated into the roadways designed to cross the Wolf Slough corridor, if practical and approved by appropriate state, regional, and local agencies.

D(8). Tree Protection Measures:

Prior to construction, grading, or tree removal from the site, required protective barriers within each area of construction shall be installed to protect all 4" DBH (trunk diameter measured at 4.5 feet from the ground) and greater trees identified for protection, that is, not shown on the Preliminary Site Plan as proposed to be removed, replaced, or relocated. Specific tree protective measures shall be approved by the Building and Development Services Department with the Final Site Plan and Construction Plan submittal. Tree barricades for trees to be preserved shall be located at the drip line, unless otherwise approved by the Building and Development Services Department. The drip line shall be defined as the outer branch edge of the tree canopy. The area within the drip line shall remain undisturbed unless specifically approved and shall be clearly shown on the Final Site Plan. The following activities are prohibited within the drip line of preserved trees unless otherwise approved by the Building and Development Services Department: machinery and vehicle travel or parking; underground utilities; filling or excavation; storage of construction materials. The tree protection barricades shall consist of chain link fence (new or used) with a minimum 5' height, unless otherwise approved by Building and Development Services Department.

The Final Site Plan shall include details and locations of signs (in both English and Spanish) to alert workers of tree and native vegetation protection areas. These signs shall be constructed of weather resistant materials and shall demarcate the boundaries of the protected areas.

E. LAND

- E(1). The Developer shall limit site work and construction to areas needed for immediate development or stockpiling, if shown on the Final Site Plan.
- E(2). An integrated Pest Management Plan (IPM) for the application of fertilizers, pesticides, and herbicides shall be submitted to the Building and Development Services Department for review and approval prior to Final Site Plan approval. Where practical, native or drought tolerant landscape materials shall be utilized in common areas. **(Completed)**
- E(3). A Construction Water Quality Monitoring Program and proposed sampling locations shall be submitted to the Natural Resources Department (NRD) for review and approval prior to any land clearing activities, or Final Site Plan approval, whichever occurs first. **(Completed)**
- E(4). The entire site shall be evaluated for potential hazardous material locations (i.e., historical cattle dipping vats, underground/aboveground storage tanks, or buried drums), by a qualified environmental consultant. Should evidence of contamination be discovered, further investigation will be required to determine the level of contamination and appropriate remediation/mitigative measures.

- E(5). A Well Management Plan for the proper rehabilitation or abandonment of existing wells shall be submitted to the Building and Development Services Department for review and approval prior to Final Site Plan approval. **(Completed)**

F. AIR QUALITY

- F(1). The Developer shall institute the following procedures to ensure dust control during development of the Project:

- a. Implement a watering program during excavation, and dredge and fill operations;
- b. Apply water or chemical stabilization to dirt roads and heavily traveled primary haul route sections as necessary;
- c. Treat disturbed areas after clearing, grading, earth moving, or excavation is completed by watering, revegetation, spreading soil binders, or compacting fill material until areas are paved or developed;
- d. Keep soil stockpiles moist, or treat with soil binders or cover;
- e. Suspend dust producing activities during gusting or constant wind conditions of 39 mph or more;
- f. Remove dust producing materials as soon as possible; and
- g. Clean (sweep) paved roads adjacent to site as necessary;

- F(2). Prior to development of Phase II, air quality impacts must be analyzed as required by Section 380.06, Florida Statutes. If mitigation is required based upon this analysis, the Development Order must be amended to incorporate those mitigative measures.

- F(3). If burning of trees or branches is required for land clearing, a burn permit must be first obtained from the Environmental Management Department. No burn permits will be issued until Final Site Plans and Construction Plans are approved.

G. WATER QUALITY AND DRAINAGE

- G(1). The stormwater management systems shall be designed, constructed, and maintained to meet or exceed Chapter 62-25, Florida Administrative Code, and 40D-4, Rules of SWFWMD, the County and Building and Development Services Department, whichever is more stringent; to provide retention, or detention with filtration/assimilation treatment, pursuant to SWFWMD and County approved methods, during the 25-year, 24-hour design storm; and such that maximum post-development flow rates do not exceed pre-development flow rated for the same design storm. Nothing in this paragraph shall be construed as a waiver by the Developer of any vested rights, if any, pertaining to approved and constructed

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stormwater drainage facilities. With the exception of any such vested rights, if any, any valid requirements of general law pertaining to retrofitting which shall apply to landowners in Manatee County, however, shall apply to the Developer.

- G(2). Best Management Practices (BMP) for reducing water quality impacts, as recommended by the County and SWFWMD in accordance with adopted regulations of these agencies, shall be implemented. Low Impact Development techniques shall be used, where feasible.
- G(3). The Developer shall be the entity responsible for maintaining the stormwater management system.
- G(4). Stormwater management system design shall, to the maximum extent possible, incorporate and utilize isolated wetlands.
- G(5). The applicant submitted an Ambient Surface Water Quality Monitoring Report to Manatee County in November 2004. The report contained the surface water quality data representing the site specific ambient conditions to meet the one year pre-construction monitoring requirement, as specified in the "Ambient Surface Water Monitoring for Developments" Guidance document. On April 5, 2005, the Ambient Surface Water Quality Monitoring requirement was considered satisfied by the County.
- G(6). Within one year of initiating vertical construction, the Developer shall submit the results of surface water quality monitoring to Manatee County for review. The Plan shall be reviewed by Manatee County for consistency with the County's "Ambient Surface Water Monitoring for Developments" (Guidance) document. ~~(Completed)~~
 - A. The results of the monitoring shall be submitted to the County with each DRI Biennial Report and shall include an official laboratory report.
 - B. The Developer will incorporate additional water quality treatment or water management methods into the project's surface water drainage system to correct or mitigate any degradation if the measures implemented by the Developer are found to be ineffective or adversely impact water quality downstream of the project site.
 - C. Any violation of Rule 62-302, Florida Administrative Code, determined to be caused by this development, shall require corrective measures, as set forth by the DEP and shall be reported to the County and all work which is determined by the County to be contributing to the problem will be halted until the problem is resolved.
- G(7). The applicant submitted a Groundwater Quality Monitoring Plan on February 15, 2006, to monitor for ambient (pre-development) and construction water quality conditions, as specified above. On February 21, 2006 the Groundwater Quality Monitoring Plan was approved by the County.

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- G(8). Water quality samples shall be collected and analyzed in accordance with Manatee County's Guidance document, referenced above and the Northwest Sector DRI Site's Groundwater Quality Monitoring Plan, dated February 15, 2006. If any of the parameters are above the proposed, current, or final maximum contamination levels (MCL's) or MCL goal, the County and DEP will be properly notified for further action. The results of the groundwater quality monitoring shall be submitted to the County for review with the DRI biennial report and shall include an official laboratory report.
- G(9). Stormwater treatment by biological filtration shall be provided where required and shall be encouraged wherever appropriate and feasible. Percolation treatment and underdrain effluent treatments may be utilized where consistent with applicable law.
- G(10). To the extent required by applicable law, on site stormwater wet detention lakes shall include littoral zones constructed on slopes no steeper than a 4:1 horizontal to vertical ratio and shall be planted in, or allowed to be colonized by, native emergent and submergent vegetation. The Developer shall ensure, by supplemental replanting if necessary, at least eighty-five percent (85%) coverage by native aquatic vegetation within the littoral zone (to include at a minimum the area between ordinary high water and ordinary low water) for five years.
- G(11). The Developer shall conduct biennial inspections of the stormwater management system on the Project site to ensure it is being properly maintained in keeping with its design and is capable of accomplishing the level of stormwater storage or treatment for which it was designed and intended. Verification of such inspection shall be supplied in each biennial report.
- G(12). To prevent adverse effects to groundwater quality during construction, there shall be no excavation into or through the Floridan aquifer's confining layers.
- G(13). Stormwater management ponds shall not be constructed within wetland buffers or other natural resources of regional significance.
- G(14). All fill within the 25-year and 100-year floodplains shall be compensated by the creation of an equal or greater storage volume above the 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). The available storage volume above the 25-year Design High Water Level of any proposed stormwater attenuation ponds can be calculated toward compliance with the flood plain compensation requirement. In lieu of the above cup-for-cup compensation, the applicant may perform hydraulic analysis that reflect a No-Rise to the FEMA base flood elevation and receive a CLOMR from FEMA for the effected area. The hydraulic model is subject to approval by Manatee County.
- G(15). Education advocating surface water protection shall be provided to all residents and tenants in the project.

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- G(16). This project shall be required to reduce the calculated pre-development flow rate by up to fifty percent (50%) for all stormwater outfall flow directly or indirectly into Mill Creek. Modeling shall be used to determine pre- and post- development flows.
- G(17). The Drainage Model and Construction Plan shall demonstrate that no adverse impacts will be created to neighboring residents surrounding the site in respect to drainage routing, grading, and runoff.
- G(18). Drainage Easements shall be dedicated to Manatee County and be shown on the Final Site Plan and Final Plats along any drainage systems conveying public drainage. In addition, Drainage Maintenance/Access Easements shall be dedicated along the banks of these systems in accordance with Manatee County Public Work standards. Manatee County is only responsible for maintaining the free flow of drainage through these systems. Manatee County has no obligation relative to these systems to maintain, change, improve, clean, repair erosion, or restore the natural changes in the course of stream beds.
- G(19). A no-rise permit will be required for all encroachment within the FEMA 100-year floodway of Wolf Slough and Mill Creek. Any existing or proposed structures within the floodway shall be modeled.
- G(20). The developer shall provide a drainage easement to Manatee County to accept stormwater for that portion of the following planned thoroughfare roadways that are located immediately adjacent to the project to accommodate the following planned build-out conditions. The developer shall design and construct the stormwater capacity for that portion of the following planned thoroughfare roadways within the project area and such design and construction shall be included in the SWFWMD permit documentation.

Lakewood Ranch Boulevard	6 lanes
44 th Avenue East	4 lanes
Center Ice Parkway	4 lanes
Pope Road	4 lanes
S.R. 70	6 lanes
Lorraine Road	4 lanes

H. HISTORICAL AND ARCHAEOLOGICAL SITES

- H(1). Any historical or archaeological 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, TBRPC, and the County. Archaeological test excavations by a professional archaeologist shall be conducted on each such site to provide sufficient data to make a determination of significance prior to the commencement of ground-disturbing activities at the site. The final determination of significance shall be made in conjunction with the Florida Department of State, Division of Historical Resources, TBRPC, 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.

I. WATER

- I(1). The Developer shall participate, as required by Manatee County ordinances, in any necessary expansion of potable water service to each phase or subphase of the project to assure that adequate potable water capacity exists to accommodate the Project.
- I(2). The Developer shall be responsible for maintenance and operation of any on-site wells. These wells shall be operated in accordance with SWFWMD rules and regulations. Any existing on site wells not intended for potable or nonpotable uses shall be plugged and abandoned in accordance with Rule 40D-3.041(1), Florida Administrative Code.
- I(3). The Developer shall require the installation of high efficiency (low volume) plumbing fixtures, appliances, and other water conserving devices, as mandated by the Florida Water Conservation Act (Section 553.14, Florida Statutes). This will include the use of toilets requiring no more than 1.6 gallons per flush in all areas, and installation of self-closing or metered water faucets shall be required in all public and commercial restroom facilities.
- I(4). The Developer shall maintain all water lines and fire hydrants not dedicated to the County.
- I(5). The Developer shall use only nonpotable water to meet nonpotable (irrigation) water demands. For purposes of this Approval, "nonpotable" water is defined as water emanating from any source other than a public potable water utility.
- I(6). Adequate fire flow and water pressure shall be maintained within the project's water supply system.
- I(7). The Developer shall conform to and further the applicable rules and adopted guidelines of SWFWMD in regard to protection of the groundwater resources in the Southwest Tampa Bay Water Use Caution Area.
- I(8). The developer shall use the lowest quality of water available for irrigation purposes. Consideration shall be given to meeting the irrigation needs of the Project with the following sources, in order of preference: (1) stormwater and (s) non-potable quality groundwater. Prior to Final Site Plan approval(s), the developer shall identify the irrigation source which will be utilized. Use of Manatee County public potable water supply shall be prohibited for in-ground irrigation systems, including on individual lots.
- I(9). For the purpose of potable or reclaimed water conservation, utilization of xeriscape principles is required in landscaped areas, in accordance with Policy 3.2.3.3.

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Ecologically viable portions of existing native vegetation shall be incorporated into the landscape design to the greatest extent practicable and shall not be purposely irrigated. Native vegetation or drought-resistant vegetation shall be used in common and non-residential landscaped areas. Non-native vegetation may be used, consistent with xeriscape principles.

- I(10). The average total potable water use for the development shall not exceed 110 gallons per capita per day.
- I(11). A pre-design conference between the Developer and County staff shall be held prior to submittal of Construction Drawings for the Project to discuss the points of connection for potable water and wastewater service and the configuration of the potable water and sanitary sewer systems.
- I(12) The Developer shall submit a Master Plan for potable water, wastewater, and fire protection simultaneously with construction plan submittal for each area covered by the construction plan. The Developer shall also be responsible for determining if upgrading of offsite potable water and wastewater facilities is necessary to provide adequate potable water, sanitary sewer, or fire protection service to the portion of the development for which such service is being requested. Oversizing of potable water and wastewater facilities may be necessary to provide for future development in or adjacent to the Project and the Developer shall participate in such oversizing in accordance with applicable County ordinances or policies.

J. WASTEWATER

- J(1). The Developer shall participate, as required by Manatee County ordinances, in any necessary expansion of wastewater service to each phase or subphase of the project to assure that adequate wastewater capacity exists to accommodate the project.
- J(2). No permanent septic system shall be permitted within the project.
- J(3). Sewer lift stations shall be designed and equipped in accordance with County regulations.
- J(4). The disposal of waste into the sewer system shall comply with the Manatee County Sewer Use Ordinance (Ordinance No. 98-28).
- J(5). The Developer shall implement a wastewater reuse system, outside of the Evers Reservoir basin, when feasible.

K SOLID WASTE

- K(1) As stated in the ADA, it is not anticipated that hazardous or toxic waste will be generated by the project's office or commercial tenants. Within one year of the effective date of the Development Order, or prior to issuance of subsequent Development Approvals for any nonresidential land use within the project,

whichever occurs later, the Developer shall prepare a hazardous substances (including bio-hazardous wastes) and a hazardous waste management plan which shall be reviewed and approved by the County, NRD, and TBRPC, and then distributed by the Developer to nonresidential land users within the project.

1. At a minimum, the plan shall:
 - a. Advise of applicable statutes and regulations regarding hazardous wastes and substances, including Title III (Community Right-to-Know Law) of the Superfund Amendment and Reauthorization Act (SARA Title III) and the requirement to comply with these rules;
 - b. Indicate the types, sources, and volumes of waste and substances that are considered under the applicable statutes and agency rules to be hazardous and which must be stored or disposed of in specially designed containers;
 - c. Describe generally improper disposal methods;
 - d. Describe generally appropriate disposal methods;
 - e. Provide a list of agencies which can be consulted regarding the proper handling and disposal of hazardous substances;
 - f. Describe a program to inform owners and tenants of the information contained in the plan;
 - g. Describe construction requirements for hazardous waste holding areas;
 - h. Describe typical spill clean up methods; and
 - i. Be updated and distributed to each non-residential land user biennially.

K(2). All project tenants that generate hazardous waste shall be encouraged to utilize waste exchanges to the extent feasible. A report of such use, if any, shall be included in each Biennial Report.

K(3). The Developer shall participate, as required by Manatee County ordinances, in any necessary expansion of solid waste service to each phase or subphase of the project to assure that adequate solid waste capacity exists to accommodate the project.

L. RECREATION AND OPEN SPACE

L(1). Provide a minimum of 1 acre of usable recreation open space per 100 dwelling units with sufficient acreage in each defined Parcel and group of Parcels (see table

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below). (The Project is proposing 44.8 acres of recreation open space, greater than the 44.22 acres required by the formula above.) The project shall include Pocket Parks in each Parcel and a minimum of one Neighborhood Park per 500 units for each Parcel or group of Parcels that contains 500 units or more. A Community Park may be built in lieu of Neighborhood Parks within a given Parcel or group of Parcels, as long as the total acreage and distribution of recreation area/park land is met.

The project shall create a “green infrastructure” by connecting recreation areas/parks with trails/greenways; some of which may be 8-10 foot wide meandering landscaped sidewalks/multi-use trails.

Acreage for trails/greenways shall count towards meeting the 1 acre per 100 dwelling units for recreation areas/parks described above. For any trails not located within a recreation area/park, the recreation area shall be calculated as 3 times the width of the trail/greenway times the length of the trail.

Lakes, stormwater ponds, wetlands and other water features can be included in the total recreation open space acreage if there are recreation amenities such as fishing/observation piers, boardwalks, canoe/kayak/boat launches or other water related amenities associated with said water features. The recreation open space acreage for water features shall be calculated as 3 times the acreage of the recreation amenity itself (i.e.: 3 times the footprint of a fishing/observation pier) but not the acreage of the entire water body.

- L(2). The project shall contain a minimum of 44.8 acres of usable uplands for recreation open space/parks, including water features with recreation amenities. Acreage for the trails/greenways system shall be included in the 44.8 acres for recreation areas/parks. The Developer shall allocate this acreage as follows:

Parcel	Park Types
Parcel A-2	1 Pocket Park
Parcels C-1 – C-4	1 Neighborhood Park
Parcels G-1 - G-9	One or more additional neighborhood parks distributed appropriately north and south of Center Ice Parkway and Malachite Drive.
Parcel E	1 Pocket Park or other recreation facilities
Parcel I	1 Pocket Park
Parcel J	1 Pocket Park
Off-site – Pope Road @44 th Avenue	1 Neighborhood Park
Kent Lakes	1 Neighborhood Park or 1 Pocket Park with water-use facilities (i.e. pier(s) and canoe launch area(s).)
Trails east of Pope Road	2 miles of trails 10’ wide

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The specific size of each recreation area/park shall be determined by the Developer (as approved by the Building and Development Services Department in consultation with the Parks and Recreation Department) at time of Preliminary Site Plan approval based on the lot size(s) or unit types in the area being served. In general, Pocket Parks shall be a minimum of 1 – 4 acres, Neighborhood Parks 5-10 acres and Community Parks 20 – 50 acres in size. All parks shall be distributed accordingly so residents can safely walk/bike from their home to the park (generally not more than ½ mile).

The required park area in each Parcel(s) may be reduced, at a ratio of 1 acre/100 units, if the Parcel(s) are not built out to the number of units identified on the General Development Plan.

- L(3). Pocket Parks shall include a playground with seating, water fountain and shade structure, an open play field and shade trees. Other amenities may include a picnic area with pavilions, tables, benches and grills, depending on neighborhood demographics. Pocket Parks may be connected to the overall recreation area/park system via sidewalks and/or trail/greenway.
- L(4). Neighborhood Parks shall contain active and passive recreation facilities. Typical recreation amenities include, at a minimum, a playground with shaded seating, restroom, and water fountain; formal or informal “athletic fields” suitable for team sports (baseball, football, soccer, volleyball, etc.); multi-use trail with benches and/or exercise stations; and picnic area with pavilions, tables, benches and grills. Optional facilities include hard court facilities (tennis, racquetball, shuffleboard, etc) and a “club house” with swimming pool, depending on demographics of future residents. Neighborhood Parks shall be connected to the overall recreation area/park system via trails/greenways and sidewalks.
- L(5). Community Parks shall include active and passive recreation facilities. Typical recreation amenities include, at a minimum, a playground with shaded seating, restroom, and water fountain; formal or informal “athletic fields” suitable for team sports (baseball, football, soccer, volleyball, etc.); hard court facilities (tennis, racquetball, shuffleboard, etc.); a “club house” with swimming pool; multi-use trail with benches and/or exercise stations; and picnic area with pavilions, tables, benches and grills. Actual recreation facilities built are dependent on demographics of future residents. Community Parks shall be connected to the overall recreation area/park system via trails/greenways and sidewalks.
- L(6). Any park in an “age-targeted” or “age-restricted” neighborhood shall have facilities appropriate for that age group. Parks not in age-targeted or age-restricted neighborhoods shall provide facilities appropriate for all ages, including a playground with outdoor play equipment.
- L(7). Multi-family parcels (Parcels A-2 and J, as listed in L(2), above) shall include active and passive recreation facilities that meet the needs of future residents based on projected demographics.

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- L(8). A master plan for trails/greenways for the area east of Pope Road, shall be approved by the Manatee County Building and Development Services Department (in consultation with the Parks and Recreation Department) prior to the first Preliminary Site Plan. (The “Central Park” area west of Pope Road and east of Lakewood Ranch Boulevard has previously received Preliminary Site Plan approval.) At a minimum, the trail/greenway system shall include a trail/greenway adjacent or proximate to the wetlands and preserved uplands on the project's eastern side with “collector” trails from residential neighborhoods connecting with the “wetland/preserve” trail. Trails/greenways shall contain benches with shade (architectural and/or vegetation) located along the trail system in appropriate locations (i.e.: rest stops; for nature observation etc.). Other recreation facilities such as gazebos may also be located in appropriate locations along the trail system. Trails/greenways shall, as much as practical, be ADA compliant with an emphasis on accessing the most significant natural and built landscape components (i.e.: beautiful vistas and fishing/observation piers, among others). Improvements shall be completed concurrent with adjacent plat approvals.
(Completed)
- L(9). All nature trails, board walks and other recreation amenities that may be permitted by the Building and Development Services Department in wetlands, wetland buffers, and upland preservation areas shall be designed to minimize impacts to trees, other significant vegetation and natural habitats in accordance with Section 719 of the Manatee County Land Development Code. Management plans shall be written and implemented to ensure the long term maintenance and ecological viability of these areas.
- L(10). All recreation, park, and wetland sites shown on the General Development Plan shall not be utilized for other uses inconsistent with their designation on this map. Any proposal to change these uses shall be subject to a Substantial Deviation Determination if required by Subsection 380.06, Florida Statutes.
- L(11). All recreation and open space areas not deeded to the County or other state agencies shall be owned and maintained as common open space through a property owners association, or other similar entity, for the project.
- L(12). The developer shall dedicate to Manatee County land outside of the DRI boundary for a recreational park consisting of approximately 15 acres of usable park land, lying north of 44th Avenue Extension (proposed) and west of Pope Road adjacent to the parcels owned by the Manatee County School Board at the northwest quadrant of that intersection. Dedication of the park land shall occur prior to the first Final Site Plan approval after the commencement of Phase II. The developer shall design and construct park improvements as agreed upon between the developer and Manatee County Parks and Recreation Department, the timing of which will be determined in the future once the County has a clearer understanding of future funding available for park operations. If built, park improvements shall be constructed using design concepts and materials consistent with similar park facilities in other Manatee County parks. Manatee County shall identify the park as a planned project within the parks and recreation level of service standards

contained in the Comprehensive Plan as a condition precedent to the developer's required dedication of the land. Upon the dedication of the park together with all improvements thereon to Manatee County for use by the general public, the park shall be a park within the Manatee County Parks and Recreation system. If the dedication and construction by the Developer meets this condition, it shall be eligible for impact fee credits from the parks and recreation component.

- L(13). The existing Kent Lakes shall be incorporated into the project's recreation infrastructure. This may include, but not limited to, the construction of trails around the lakes; passive observation points with benches; small fishing pier(s); and a canoe/kayak launching area. Recreation facility acreage at Kent Lakes can be included in the overall recreation area/park acreage as described in L(1) and L(2).

M. EDUCATION

- M(1). To mitigate the project's impacts, the Developer provided the Manatee County School Board sufficient land for elementary and middle school sites.

N. HEALTH CARE, POLICE, AND FIRE

- N(1). The Developer shall be responsible for contributing a pro-rata share of the cost of land acquisition, construction, and equipping of emergency service facilities for emergency medical services. The Developer may, with the concurrence of the County, satisfy this obligation in whole or in part by conveyance of land deemed suitable for the intended use by the County or payment of impact fees, as applicable. An agreement as to the schedule for payment of the Developer's pro-rata share, mutually acceptable to the County and the Developer, shall be submitted prior to the approval of the first Final Site Plan or Final Plat for Vertical Development for Phase I or any subphase thereof. The pro-rata share shall not exceed the total sum of impact fees anticipated from the project and any pro-rata lump sum payment shall be creditable against the payment of impact fees at the rate in effect at the time payment was made. **(Completed)**
- N(2). The Developer shall be responsible for contributing a pro-rata share of the cost of land acquisition, construction, and equipping of fire protection service facilities for fire protection services. The Developer may, with the concurrence of the County, satisfy this obligation in whole or in part by conveyance of land deemed suitable for the intended use by the County or payment of impact fees, as applicable. The pro-rata share shall not exceed the total sum of impact fees anticipated from the project and any pro-rata lump sum payment shall be creditable against the payment of impact fees, in accordance with applicable law. **(Completed)**
- N(3). The project shall be designed and constructed to meet or exceed specifications of the State Fire Code, Rule 4A-3.012., Florida Administrative Code. The project shall use, as applicable, Fire Wise principles, such as clearing around houses, carefully spacing trees, and maintaining irrigation systems.

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- N(4). The maximum height of buildings in the project shall not exceed that appropriate for the available water pressure and fire flows, or exceed the reach of available fire fighting equipment at the time of any Preliminary Site Plan approval for any phase or subphase.
- N(5). Prior to approval of all Preliminary Site Plans, the Developer shall provide assurance for each increment of development that the site will be supplied to the extent required by applicable code with water lines of adequate size, and functioning fire hydrants in sufficient number and appropriate locations to accommodate fire fighting operations. Additionally, the Developer shall provide calculations by a Florida registered engineer to the County indicating that fire flow and water pressure to the site are adequate for fire protection purposes and written assurance from the Braden River Fire District that the proposed locations of all fire hydrants and appurtenances are adequate prior to the issuance of any Final Plat or Certificate of Occupancy in the project.

O. ECONOMICS

- O(1). Excess infrastructure capacity constructed by the developer shall be at the developer's risk and shall not vest later development rights not addressed in this approval.
- O(2). The project shall promote entrepreneurship and small and minority owned business start-up, and encourage nondiscriminatory employment opportunities, pursuant to policies 21.2, SCP and 21.5.3, FCRPP, respectively.
- O(3). The development and promotion of a day care system should be encouraged on site, and any such day care system shall be in compliance with the Manatee County Land Development Code and any other applicable regulations.

P. ENERGY

- P(1). Issuance of development approvals for each phase or subphase shall be dependent upon the ability of electrical or gas utilities to meet the energy requirements of the development.
- P(2). All project tenants, businesses, residents, etc. shall be notified in writing by the Developer prior to occupancy that the following energy related practices are encouraged:
 - a. Use energy alternatives, such as solar energy, resource recovery, waste heat recovery, and co-generation, where economically feasible;
 - b. Obtain energy audits provided by energy companies or other qualified agencies;
 - c. Install water heater timers and set water heaters at 130 degrees Fahrenheit or lower;

- d. Use landscaping and building orientation to reduce heat gain, where feasible, for all Project construction;
- e. Promote energy conservation by employees, buyers, suppliers, and the public, as appropriate;
- f. Reduce levels of operation of all air conditioning, heating, and lighting systems during nonbusiness hours, as appropriate;
- g. Institute and utilize recycling programs;
- h. Utilize energy efficient packaging or recyclable materials;
- i. Install total energy systems on large facilities when cost effective; and
- j. Elimination of advertising requiring lighting after business hours where feasible.

Q. AFFORDABLE HOUSING

- Q(1). An assessment of the potential affordable housing impacts of the project was performed as part of the DRI review. This analysis was accepted by the reviewing agencies and indicated that there was no unmet need for affordable housing in the project area. No mitigation for affordable housing impact is required.
- Q(2). Any affordable housing analysis required in the event this Ordinance is amended to allow non-residential development in Phase II beyond that approved in Phase II shall be based on statutes, ordinances and rules in effect at the time this ordinance is amended.

R. HURRICANE PREPAREDNESS

- R(1). The Developer shall coordinate with the Institute for Business and Home Safety (IBHS) and the Manatee County Emergency Management Department to determine the feasibility of incorporating wind resistant “fortified” design criteria into the commercial and office facilities.

S. DESIGN STANDARDS

- S(1). Regardless of information contained in the General Development Plan or development stipulations contained within this ordinance, this project shall comply with all regulations of the Land Development Code and the Comprehensive Plan.
- S(2). Non Residential

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- a. The maximum square footage for each commercial and office parcels shall not exceed what is identified on the General Development Plan.
- b. Building heights and setbacks in Parcels A-1 and E shall be determined at time of Preliminary Site Plan approval to sufficiently address design quality and compatibility.
- c. **Building Appearance**

All building facades shall exhibit an aesthetically attractive appearance. Design shall be subject to the following criteria and reviewed for compliance by the Building and Development Services Department with future Final Site Plan and Building Permit submittals.

- 1) The sides of all buildings shall have minimal blank walls no longer than 30 feet in length or 20' in height. In order to insure that the buildings do not project a massive blank wall, design elements with distinctive color variation shall include prominently visible architectural details [e.g., bump-outs, reveals and projecting ribs, cornice, offset building planes, windows, shutters, areas of contrasting or different finish building materials, etc.] or other methods, as approved by the Planning Director. Facades greater than 75 feet in length shall have varying roof lines through varying the height of the cornice, or the use of 2 or more roof types (parapet, dormers, and sloped, etc.).
- 2) Exterior building materials shall consist of brick, architectural precast concrete panels, architectural masonry units, split face block, glass, stucco, ceramic tile, stone, wood, or similar materials. Painted or exposed concrete block, or corrugated metal shall not be permitted, Architectural metals in conjunction with other permitted building materials shall be allowed, provided that at least seventy five percent (75%) of the building face is constructed from other permitted materials.
- 3) All rooftop mechanical equipment shall be screened from view from abutting roadways or adjacent residential properties. Screening shall be provided by materials consistent with the building. Details shall be shown prior to Final Site Plan approval.

d. Service Areas

- 1) All truck loading, service areas, and outside storage shall not be adjacent to or visible from adjacent roads or visible from residential properties.
- 2) Trash and garbage receptacles shall be screened with materials similar to the adjacent building facade.

- 3) Tractor trailer or semi-trucks involved in deliveries to the rear of the buildings (or sides if facing residential) shall be restricted to the hours between 7:00 a.m. and 10:00 p.m. During the period of time between 10:00 p.m. and 7:00 a.m., there shall be no:
 - delivery, loading, or unloading of tractor trailer or semi-trucks;
 - use of forklifts or other loading or unloading devices; and
 - running of truck or trailer motors, or other refrigeration devices installed thereon.
- e. Exhaust and other filtering systems in Food Service Establishments or uses shall adhere to the Best Available Control Technology to eliminate or reduce the emission of smoke, grease, and odor from cooking facilities. This system shall be approved by the Environmental Management Department with each Final Site Plan containing a food service establishment or use.
- f. Exterior loud speakers, bells, or similar audio-communication shall not be permitted; however, directed (non broadcast) communication devices and intercoms shall not be restricted. "Directed (non broadcast)" shall mean not plainly audible to a person greater than 10 feet from the source.
- g. Signs shall meet the requirements of Section 724 of the Land Development Code. Each non-residential parcel, as identified on the GDP, have one pole sign. All other permitted signs shall be ground signs.
- h. Each non-residential parcel shall include a pedestrian connection, where applicable, to abutting residential parcels, to be determined at time of Preliminary Site Plan approval.
- i. A maximum of six (6) gasoline pumps per parcel may be located on Parcels B, D, and E. Any gasoline pumps on Parcels B, D, and E shall be a minimum of 120 feet from any residential lots.
- j. Parcel A-1
 - 1) Parcel A-1 may not be developed with commercial uses unless the GDP is amended to reallocate existing commercial entitlements in the project to this parcel or the commercial entitlements in the project are increased. **(Completed)**
 - 2) A vertical mix of land uses is permitted on Parcel A-1. If a vertical mix is designed on this parcel, it will include commercial (if permitted in the future) and office uses on the first floor and residential or office land uses on the upper floors.
 - 3) The wetland at the southwest corner of Lakewood Ranch Boulevard and 44th Avenue shall be included in Parcel A-1 in order to take

advantage of the 75% Rule pursuant to Land Use Operative Provision E(5)(a) of the Comprehensive Plan.

k. Parcels B and D

- ~~1) The eastern most outparcel on Parcel B shall be limited to a bank, personal service establishment, business services, post office, or office. If a bank, the drive thru shall be on the west side of the building.~~
- ~~2) The minimum building setbacks shall be as indicated on Sheets 4 and 12 of Preliminary Site Plan (PDMU-05-09(Z)(P). Setback reduction modifications, pursuant to Section 603.6 of the Land Development Code, shall not be granted to the buildings adjacent to the residential component.~~
- ~~3) The footprint for the two anchor stores on Parcel B shall maintain the angle with the eastern property line as shown on Preliminary Site Plan (PDMU-05-09(Z)(P), unless increased building setbacks are provided to mitigate for the increased impacts.~~
- ~~4) The maximum height of non-residential buildings within 175 feet of any residential lot shall be 24 feet~~
- 1) At time of Final Site Plan submittal, a fifteen foot buffer shall be provided along the boundary of each parcel where it abuts the residential component.
- 2) Prior to the issuance of a Certificate of Occupancy for each commercial parcel, the abutting landscape buffer on the residential parcel shall be completed and certified to the Building and Development Services Department by a Florida Registered Landscape Architect. The Landscape Architect shall certify that all the trees have survived and sustained normal growth patterns. Trees which have not shall be replaced with enhanced tree sizes to make up the loss in growth time.

Prior to Certificate of Occupancy for the main commercial buildings, a Florida Registered Landscape Architect shall re-certify that all the trees have survived and sustained normal growth patterns. Trees which have not shall be replaced with enhanced tree sizes to make up the loss in growth time.
- 3) The developer shall construct vehicular pedestrian access to the Parcel B from Parcel C-3. Such access may, at the developers option be gated. ~~Modifications to the site plan to accommodate this eved.~~

- 4) The applicant has the option of administratively relocating up to 3,000 square feet of commercial entitlements in Parcels B or D to lots adjacent to the central park, consistent with the Comprehensive Plan.

I. Parcel E

- 1) The building design and site layout shall promote a pedestrian and neighborhood scale, to be determined at time of Preliminary Site Plan approval.
- 2) Parcel E shall be designed in such a way as to maintain connectivity between adjacent neighborhoods and ensure compatibility of between non-residential and residential uses within the parcel, to be determined at time of Preliminary Site Plan approval.
- 3) The building and layout shall be substantially consistent in theme with the photos and plan submitted and attached as Exhibit 4.
- 4) To promote a neo traditional design theme, limited parking shall be allowed in front of the building(s).
- 5) Building height shall be limited to 30 feet, except for architectural features which may be up to 45 feet in height.
- 6) No building shall be constructed within 50 feet of a residential subphase or lot, if platted.
- 7) Building layout and design shall avoid the look of a “Big Box” building; and
- 8) Any structures (residential, non-residential, ancillary, etc.) constructed within the “Coordination Zone”, as indicated on the GDP, shall be designed in a style compatible with the style of the main buildings or buildings within Parcel E.

S(3). Residential

- a. The setbacks, heights, and lot sizes for residential land uses shall be as follows:

Type	Min. Lot Size (Sq. Ft.)	Minimum Lot Width ⁴ (Ft.)	Front Setback (Ft.) ¹	Side Setback (Ft.)	Rear Setback (Ft.)	Maximum Height (Ft.)
Single-Family Detached ^{3,8}	4,950	42	25/20	6 ^{4,5}	15	35
Single-Family Detached ^{3,8}	9,000	76	25/20	6 ^{4,5}	15	35

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Single-Family Detached ^{3,8}	9,000	80	25/20	7.5 ⁶	15	35
Single-Family Attached ⁸	2,500	25	25/20	0/10 ⁷	15	35
Single-Family Semi-Detached ⁸	4,950	45	25/20	0/10 ⁷	15	35
Multi-Family	NA	NA	25	15/25 ²	15	35
Park	NA	NA	25	15	15	35
Residential Support Uses	NA	NA	40	15	30	45

1. The front yard setback for all single-family residences shall be 25' to the garage portion of the structure. The remaining habitable portion of the structure may be setback 20'. The front yard setback for structures with side-loaded garages shall be 20'.
 2. This distance is not a side yard setback but the minimum distance between buildings. A 15' separation is required between one-story buildings. A 25' separation is required between two and three story buildings.
 3. Required setbacks are based on the dominant lot width for each subphase of development.
 4. There shall be a minimum ten (10) foot separation between accessory equipment (e.g. air conditioner units, heat pumps, pumps, etc.) and structures alongside adjoining houses with 6-foot side yard setbacks.
 5. Zero Lot Line alternative allows a side setback of 11'/1' (min.) with a building separation of no less than 12'.
 6. Zero Lot Line alternative allows a side setback of 14'/1' (min.) with a building separation of no less than 15'.
 7. Zero Lot Line alternative allows a side setback of 19'/1' (min.) with a building separation of no less than 20'.
 8. Use of the Zero Lot Line alternative shall be stated by the Applicant on the application for a Preliminary Subdivision Plat approval and Preliminary/Final Site Plan approval.
- b. The Notice to Buyers or Tenants shall be included in the Declaration of Covenants and Restrictions, and in a separate addendum to the sales contract, and in the Final Site Plan shall include language informing prospective homeowners of the following:
- 1) The location and size of future commercial and office developments in the project.

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- 2) The future extensions of 44th Avenue, Pope Road, and Center Ice Parkway as collector roadways through the project, and Malachite Drive as a major local street through the project.
 - 3) Inter-neighborhood ties, where applicable.
- c. Any Preliminary Site Plan for residential development next to a previously approved residential plan containing a less intense residential product (i.e. single family attached adjacent to single family detached) shall provide enhanced separation and buffering between the two types of housing products, as approved by the Planning Director.
- d. A Group Care Home (small and large) is permitted on Parcels A-1, A-2, G-5, G-8, G-9, I or J. The height of any Group Care Home on a residential parcel may not exceed 3 stories and 35 feet. All large group care homes shall maintain a minimum setback of 75 feet from adjacent single family property and shall be on a roadway shown on the GDP.
- e. Parcel A-2:
- 1) The multi-family buildings located on Parcel A-2 shall be setback a minimum of 75' from Lakewood Ranch Boulevard and 30 feet from Rosedale to the west. This shall be approved by the Building and Development Services Department with the Preliminary and Final Site Plans.
 - 2) The multi-family buildings on Parcel A-2 shall be separated from Parcel A-1 by a 20' screening buffer.
- f. Parcels C-1 – C-4
- 1) Prior to Final Plat approval for the sections of Parcels C-2 and C-3 abutting Parcels B and D, the wall, berm, and landscaping depicted in Attachment "B" as shown on Preliminary Site Plan (PDMU-05-09(Z)(P)) shall be installed.
 - 2) To provide adequate area for tree canopy growth for screening purposes, the landscape buffer, where abutting the commercial component in Parcel B, shall be increased to a minimum width of 40 feet in Parcel C-3. Lots shown on the Preliminary Site Plan as being within this stipulated buffer shall be redesigned and relocated out on the Final Site Plan.
 - 3) Lots in Parcels C-2 and C-3, within 200 feet of Parcels B and D, shall be limited to one story houses.

- 4) The developer shall construct ~~vehicular~~ pedestrian access from Parcel B to Parcel C-3. ~~Modifications to the site plan to accommodate this connection may be administratively approved.~~

g. Parcel G-7

An upland buffer at least 35 feet wide shall be provided along the eastern boundary where this parcel abuts parcels adjacent to Lorraine Road.

h. Parcel J

All multi-family buildings shall be setback a minimum of 75' from SR 70. This shall be approved by the Planning Department with the Preliminary and Final Site Plan.

- i. Residential Support Uses are allowed in Parcels A-2, C-1 through C-4, F, G-1 through G-9, J, and I. Churches and Other Places of Worship (excluding Large, Medium, Small and Accessory Day Care Centers) shall be allowed by Administrative Permit if locational criteria can be met, or by Special Permit if those criteria cannot be met, pursuant to Section 704.13.1 of the Land Development Code as may be amended. Large, Medium and Small Day Care Centers, Accessory Day Care Centers, Environmental Education Facilities and Schools of Special Education shall count against the Northwest Sector DRI entitlements and may require an NOPC.

T. DEFINITIONS

- A. "Acceptable Level of Service" shall, for links and intersections in Manatee County, Florida, mean Level of Service "C" on an average daily basis, or "D" on a peak hour basis, as provided in the Land Development Code. Level of Service "D" shall be measured on a peak hour basis as determined by the Highway Capacity Manual (1994), TRB Special Report 209 or the most current manual and computer software version in accordance with guidelines acceptable to Manatee County. Level of Service "C" capacity on an average daily basis shall be calculated either as 10 times the peak hour Level of Service "D" capacity, or if actual data is available to determine the "K" factor (please refer to the Florida Department of Transportation Planning and Statistics Department), then on the basis of the "K" factor.
- B. "Application for Development Approval" (or ADA) shall mean the Northwest Sector Development of Regional Impact Application for Development Approval (Submitted on May 2, 2005); the First Sufficiency Response submitted by the Developer on July 14, 2005; the Second Sufficiency Response submitted on October 28, 2005; the Third Sufficiency Response submitted on January 26, 2006.

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- C. "County" shall mean the Board of County Commissioners for Manatee County, or their designee(s).
- D. "Development Plans" shall mean any Preliminary or Final Site Plan issued by Manatee County.
- E. "Developer" shall mean SMR North 70, LLC, its heirs, assigns, designees, and successors in interest as to the Project.
- F. "Development Approval" shall mean any approval for development granted through the Preliminary Site Plan, Preliminary Plat, Final Site Plan, Final Plat, or Construction Drawing approval where site plans or subdivision plats are not required.
- G. "Funding Commitments" shall mean any combination of the following to assure the completion of any improvements required by this Development Order: 1) binding commitments for the actual construction with the posting of a cash bond, or irrevocable letter of credit in a form satisfactory to the County for construction of the improvements required as referenced in Tables 2 and 3 of this Ordinance; 2) actual construction; 3) the placement of the improvements in the current year plus one year of the Capital Improvements Element of the appropriate County or the current year plus the first two years (or current plus first four years for FIHS facilities) of the Adopted Five-Year Work Program of the Florida Department of Transportation; or 4) a commitment for construction and completion of the required roadway improvements, pursuant to a Local Development agreement entered into between the Developer and the County. This Agreement shall include a construction timetable which will set forth the completion of the required improvements consistent with the time frames specified in Tables 2 and 3.
- H. "General Development Plan" shall be defined as the site plan for PDMU-05-19 (G)(R4), last revised on ~~August~~ October, 2011, and attached as Exhibit 1. Development on the General Development Plan shall be limited to the total number of dwelling units and non-residential development in Table 1.
- I. "Post-Development Wetlands" shall mean any lands determined to be within jurisdictional limits defined by Chapter 62-301, Florida Administrative Code (F.A.C.) and implemented by the Florida Department of Environmental Protection (FDEP), or as defined within Chapter 40D-4, F.A.C., and implemented by the Southwest Florida Water Management District (SWFWMD), including any wetland mitigation areas approved as part of development of this project.
- J. "Preliminary Site Plan" (PSP) shall mean a Master Preliminary Plan or a Preliminary Site Plan for a Phase or Subphase, as defined in The Manatee County Land Development Code.

- K. "Project" shall mean the land uses, phasing, and improvements described in Table 1 which are attributable to development on that property described in Section 4 herein and set forth on the General Development Plan attached hereto as Exhibit 1.
- L. "Transportation Impact Area" shall be defined as the roadway segments and intersections receiving transportation impacts where the traffic generated by the proposed phase or subphase shown on a proposed Preliminary Site Plan in combination with prior approvals of the project will be five percent (5%) (or whatever greater percentage may be employed from time to time by the Florida Department of Community Affairs (DCA), Tampa Bay Regional Planning Council (TBRPC), or the County, provided the more restrictive percentage of such greater percentage shall be used) or more of the applicable Peak Hour Level of Service volumes. This area is generally depicted on Map J of the Development Order, dated February, 2005.
- M. "Vertical Development" shall mean and shall be deemed to include the construction of new residential units and non-residential units or the reconstruction or addition to any such units.
- N. "Warranted" shall mean a determination by the County, or the Florida Department of Transportation (FDOT) for state roads (unless the improvement is identified as a "local improvement", based on generally accepted transportation engineering practices that the Acceptable Level of Service cannot be maintained on a roadway segment or intersection without the construction of a transportation improvement required by this Development Order. All reserved vehicle trips on the roadway segment or intersection shall be counted regardless of their source in making this determination.
- O. "Wetland" shall mean any wetland under the jurisdictional limits defined by Chapter 62-340, Florida Administrative Code, and implemented by the Florida Department of Environmental Protection, or as defined by Chapter 40D-4, FAC, and implemented by the Southwest Florida Water Management District.

SECTION 4.5. LEGAL DESCRIPTION.

Legal description and sketch of the Project is attached as Exhibit 1.

SECTION 6. 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, clause, sentence, 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.

PDMU-05-19(G)(R4) – Northwest Sector

SECTION 5.7. EFFECTIVE DATE. This ordinance shall take effect upon filing with the Department of State, State of Florida.

PASSED AND DULY ADOPTED, by the Board of County Commissioners of Manatee County, Florida this the 3rd day of November 2011.

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

BY: _____
Carol Whitmore, Chairman

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

BY: _____
Deputy Clerk

PDMU-05-19(G)(R4) – Northwest Sector

EXHIBITS

Exhibit 1 – Legal Description

Exhibit 2 – General Development Plan

Exhibit "1"

LEGAL DESCRIPTION PARCEL 1 (as prepared by the certifying Surveyor and Mapper):

A tract of land lying in Sections 7, 8, 9, 15 and 16, Township 35 South, Range 19 East, Manatee County, Florida and described as follows:

Commence at the Southeast corner of Section 7, Township 35 South, Range 19 East ; thence S.89°34'35"E., a distance of 4,650.84 feet; thence N.00°25'25"E., a distance of 1,889.17 feet to the POINT OF BEGINNING; Thence S82°55'49"W, 912.79 feet to a point of curvature; Thence 1,287.78 feet along the arc of said curve to the left through a central angle of 34°25'49", said curve having a radius of 2,143.00 feet and being subtended by a chord which bears S65°42'55"W, 1,268.49 feet to a point of reverse curvature; Thence 1,575.57 feet along the arc of a curve to the right through a central angle of 44°37'25", said curve having a radius of 2,023.00 feet and being subtended by a chord which bears S70°48'42"W, 1,538.04 feet to the point of tangency of said curve; Thence N88°52'35"W, 1,131.57 feet to a point of curvature; Thence 79.90 feet along the arc of said curve to the right through a central angle of 91°33'16", said curve having a radius of 50.00 feet and being subtended by a chord which bears N41°05'57"W, 71.68 feet to the point of tangency of said curve; said point being a point on the east line of Lakewood Ranch Boulevard as recorded in Official Record Book 1443, Page 4980 of the Public Records of Manatee County, Florida; the following 2 calls are along said east line of Lakewood Ranch Boulevard; Thence N04°40'41"E, 2,619.78 feet to a point of curvature; Thence 933.27 feet along the arc of said curve to the left through a central angle of 25°57'27", said curve having a radius of 2,080.00 feet and being subtended by a chord which bears N08°18'02"W, 925.31 feet to a point of reverse curvature; Thence 83.52 feet along the arc of a curve to the right through a central angle of 95°42'23", said curve having a radius of 50.00 feet and being subtended by a chord which bears N26°34'26"E, 74.14 feet; Thence N 74°25'37"E, 50.78 feet to a point of curvature; Thence 721.58 feet along the arc of said curve to the right through a central angle of 14°53'05", said curve having a radius of 2,777.50 feet and being subtended by a chord which bears N81°52'09"E, 719.53 feet; Thence N00°41'18"W, 12.50 feet to a point on the arc of a curve; Thence 643.57 feet along the arc of said curve to the right through a central angle of 13°12'59", said curve having a radius of 2,790.00 feet and being subtended by a chord which bears S84°04'49"E, 642.15 feet to a point of reverse curvature; Thence 2,117.60 feet along the arc of a curve to the left through a central angle of 41°16'07", said curve having a radius of 2,940.00 feet and being subtended by a chord which bears N81°53'37"E, 2,072.13 feet to a point of reverse curvature; Thence 805.71 feet along the arc of a curve to the right through a central angle of 16°32'46", said curve having a radius of 2,790.00 feet and being subtended by a chord which bears N89°31'57"E, 802.91 feet; Thence S12°11'41"E, 12.50 feet to a point on the arc of a curve; Thence 633.68 feet along the arc of said curve to the right through a central angle of 13°04'19", said curve having a radius of 2,777.50 feet and being subtended by a chord which bears N84°20'29"E, 632.31 feet; Thence S89°07'21"E, 354.65 feet to a point on the arc of a curve; Thence 38.14 feet along the arc of said curve to the right through a central angle of 41°24'35", said curve having a radius of 50.00 feet and being subtended by a chord which bears N70°10'21"E, 35.38 feet; Thence S89°07'21"E, 808.68 feet; Thence N00°52'39"E, 10.38 feet to a point on the arc of a curve; Thence 127.15 feet along the arc of said curve to the left through a central angle of 02°29'11".

MANATEE COUNTY GOVERNMENT

AGENDA MEMORANDUM

SUBJECT	PDMU-05-09(P)(R2) - Central Park	TYPE AGENDA ITEM	Advertised Public Hearing – Consent
DATE REQUESTED	10/13/11 PC	DATE SUBMITTED/REVISED	10/06/11
BRIEFINGS? Who?	None	CONSEQUENCES IF DEFERRED	N/A
DEPARTMENT/DIVISION	Building & Development Services/ Comprehensive Planning and Public Hearing	AUTHORIZED BY TITLE	John Osborne, AICP, Planning and Zoning Official <i>JO</i>
CONTACT PERSON TELEPHONE/EXTENSION	Rossina Leider / 748-4501 ext. 6859 DTS # 201110194	PRESENTER/TITLE TELEPHONE/EXTENSION	Rossina Leider / Sr. Development Review Specialist / 748-4501 ext. 6859
ADMINISTRATIVE APPROVAL			

ACTION DESIRED INDICATE WHETHER 1) REPORT; 2) DISCUSSION; 3) FORM OF MOTION; OR 4) OTHER ACTION REQUIRED

I move to approve PDMU-05-09(P)(R2), per the recommended motion in the staff report attached to this memo.

ENABLING/REGULATING AUTHORITY

Federal/State law(s), administrative ruling(s), Manatee County Comp Plan/Land Development Code, ordinances, resolutions, policy

Manatee County Comprehensive Plan and Manatee County Land Development Code.

BACKGROUND/DISCUSSION

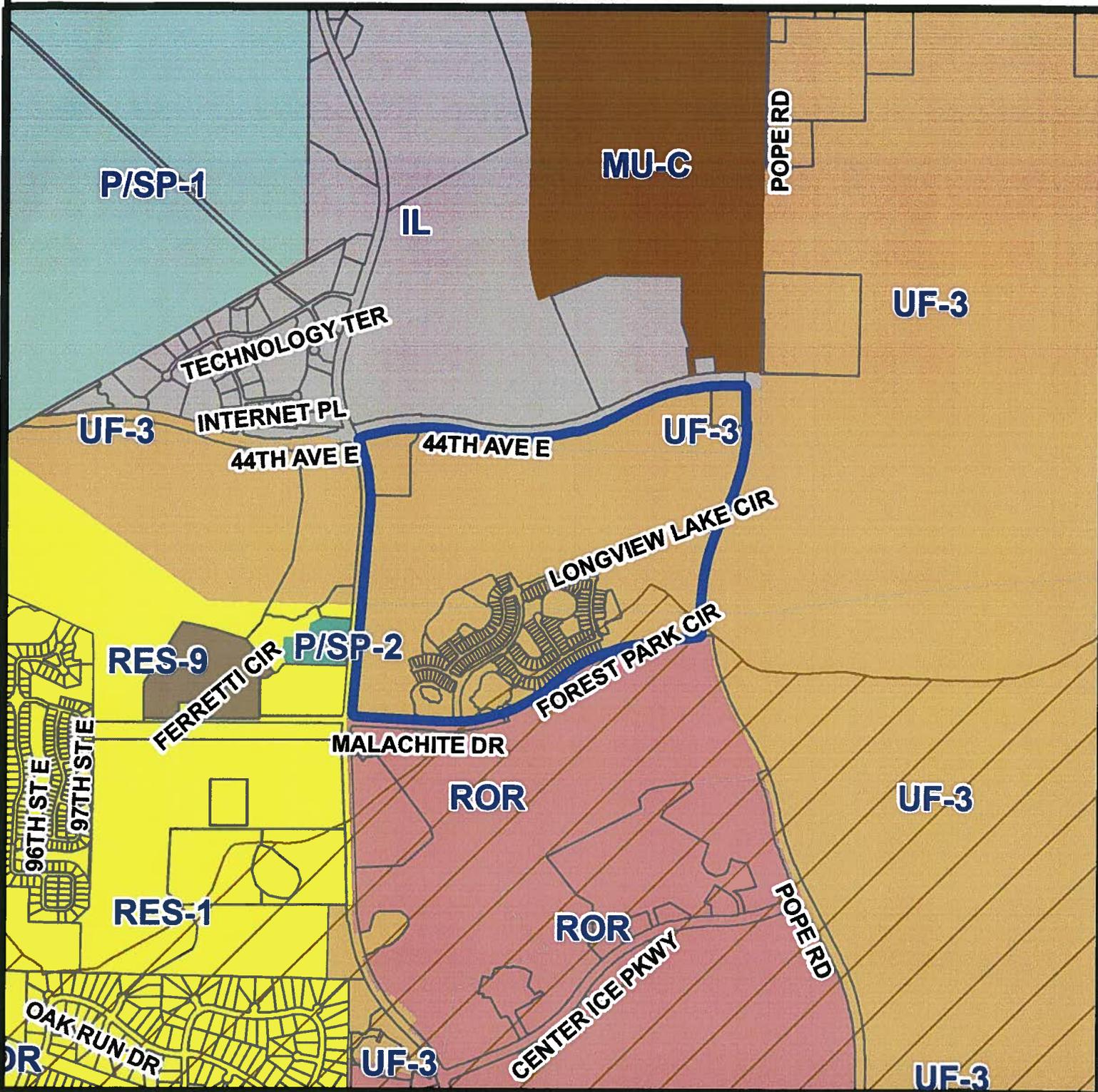
- Central Park is an 800 dwelling unit subdivision and 150,000 sq. ft. commercial project within the Northwest Sector DRI, zoned PDMU.
- Central Park is between 44th Avenue East to the north, Malachite Drive (partially constructed) to the south, Lakewood Ranch Blvd. to the west, and Pope Road to the east.
- On July 28, 2005, the Dept. of Community Affairs approved a PDA (Preliminary Development Agreement) for Central Park, allowing the project to begin prior to the approval of the Northwest Sector DRI. The Preliminary Site Plan (PSP) for Central Park was approved by the BOCC on December 7, 2006. The Northwest Sector DRI and GDP were approved by the BOCC on November 1, 2007.
- Central Park was approved for 800 residential lots with a range of lot sizes. Lot widths and sizes varied from 45' (5,625 sq. ft.) up to 76' (9,880 sq. ft.). Approximately half the lots were approved with a width of 45' and 52' and half at 62', 72' or 76'. The commercial/office component of the project consisted of two parcels located at the corners of 44th Avenue East and Pope Road (5.42 acres) and Lakewood Ranch Boulevard (11.52 acres), with setbacks of 90 feet front, 15 feet side, and 30 feet rear, and a maximum building height of 35 feet (24 feet measured at the rear of the building).
- On December 3, 2009 received approval to delete the range of lot sizes establishing all 42' wide lots and a minimum lot size of 4,950 sq. ft., and delete limitations on placement of accessory structures (e.g., HVAC units, pumps, screen enclosures, etc.) within the side yard on lots with 6' side setbacks. This approval was consistent with the amendment to the Northwest Sector GDP approved by the BOCC on June 9, 2009 to delete the minimum established unit size for single-family detached residences.
- The applicant requests to:
 - Increase the residential units from 800 to 826. The majority of the new lots are located in the northeast portion of the residential component of the project close to 44th Avenue East and Pope Road, with widths that predominantly vary from 42 feet to 45 feet.
 - Allow residential support uses. The applicant proposes to designate a "Residential Support Use Parcel" (2.22-acre parcel) as part of the residential component of the project to accommodate the following potential uses: a) Churches or other Places of Worship, b) Day Care Centers including Large, Medium, Small and Accessory, c) Environmental Education Facilities, and d) School of Special Education. Additionally, the proposal includes "Day Care Center, including Large, Medium, Small and Accessory" (Residential Support Use) as an allowable use in Commercial Parcels A and B.
 - Modify commercial parcel boundaries and reallocate commercial square footage to increase the size and square footage of the northwest commercial/office parcel (Commercial Area A) and decrease the size and square footage of the northeast parcel (Commercial Area B). The commercial acreage increases by 0.46 acres without exceeding the Northwest Sector DRI threshold and maintaining the previous total approved square footage of commercial/office uses (150,000 sq. ft.).
 - Modify dimensional criteria for: a) commercial/office buildings (reduce front setback from 90' to 40', increase maximum building height from 35' to 45' and delete condition requiring a maximum height of 24' on the rear of the building within 175 feet of residential lots, b) define setbacks for residential support uses (40' front, 15' side and 30' rear), and c) update footnotes in the PSP to be consistent with the Northwest Sector dimensional criteria.
 - Allow design flexibility by removing restrictions on land uses and design criteria. The proposal, also includes deletion of all the stipulations that are duplicate of the Northwest Sector Zoning Ordinance [(PDMU-05-19(G)(R4)].
 - Amend the PSP and Zoning Ordinance to reflect these changes.

- The gross density is increasing from 2.26 to 2.33 du/acre and the net density from 2.5 to 2.7 du/acre. The proposed open space acreage is 122.52 acres (32.94%), slightly higher than the previous approved open space (121.23 acres – 32.59%).
- Allow “Residential Support Uses” in this development provides opportunities for the residents and employees of the area to find such uses without having to travel outside the immediate area. No square footage is proposed at this time.
- The reallocation of commercial square feet to the intersection of Lakewood Ranch Blvd and 44th Avenue East will put services in an area that will capture more passerby traffic.
- The dimensional criteria modifications will allow the project more flexibility.
- Staff recommended an additional note on the PSP and a stipulation on the Northwest Sector development order [(PDMU-05-19(G)(R4)] to address the parameters for the future review of Residential Support uses. The applicant has complied with this request.
- Staff recommends approval of the proposed changes.

COUNTY ATTORNEY REVIEW	
Check appropriate box	
<input checked="" type="checkbox"/>	REVIEWED Written Comments: <input type="checkbox"/> Attached <input checked="" type="checkbox"/> Available from Attorney (Attorney’s initials: WEC)
<input type="checkbox"/>	NOT REVIEWED (No apparent legal issues.)
<input type="checkbox"/>	NOT REVIEWED (Utilizes exact form or procedure previously approved by CAO.)
<input type="checkbox"/>	OTHER

ATTACHMENTS: (List in order as attached)		INSTRUCTIONS TO BOARD RECORDS:	
Staff report		n/a	
COST:	n/a	SOURCE (ACCT # & NAME):	n/a
COMMENTS:		AMT./FREQ. OF RECURRING COSTS: (ATTACH FISCAL IMPACT STATEMENT)	

FUTURE LAND USE



Parcel ID #(s) Multiple

Project Name: Central Park
 Project #: PDMU-05-09 (P)(R2)
 DTS#: 20110194
 Proposed Use: Mixed Use

S/T/R: Sec 7,8 Twn 35 Rng 19
 Acreage: 369.97
 Existing Zoning: PD-MU
 Existing FLU: UF-3
 Overlays: ST
 Special Areas: NONE

CHH: NONE
 Watershed: WPE
 Drainage Basin: GATES CREEK, MILL CREEK, WILLIAMS CREEK
 Commissioner: Donna Hayes



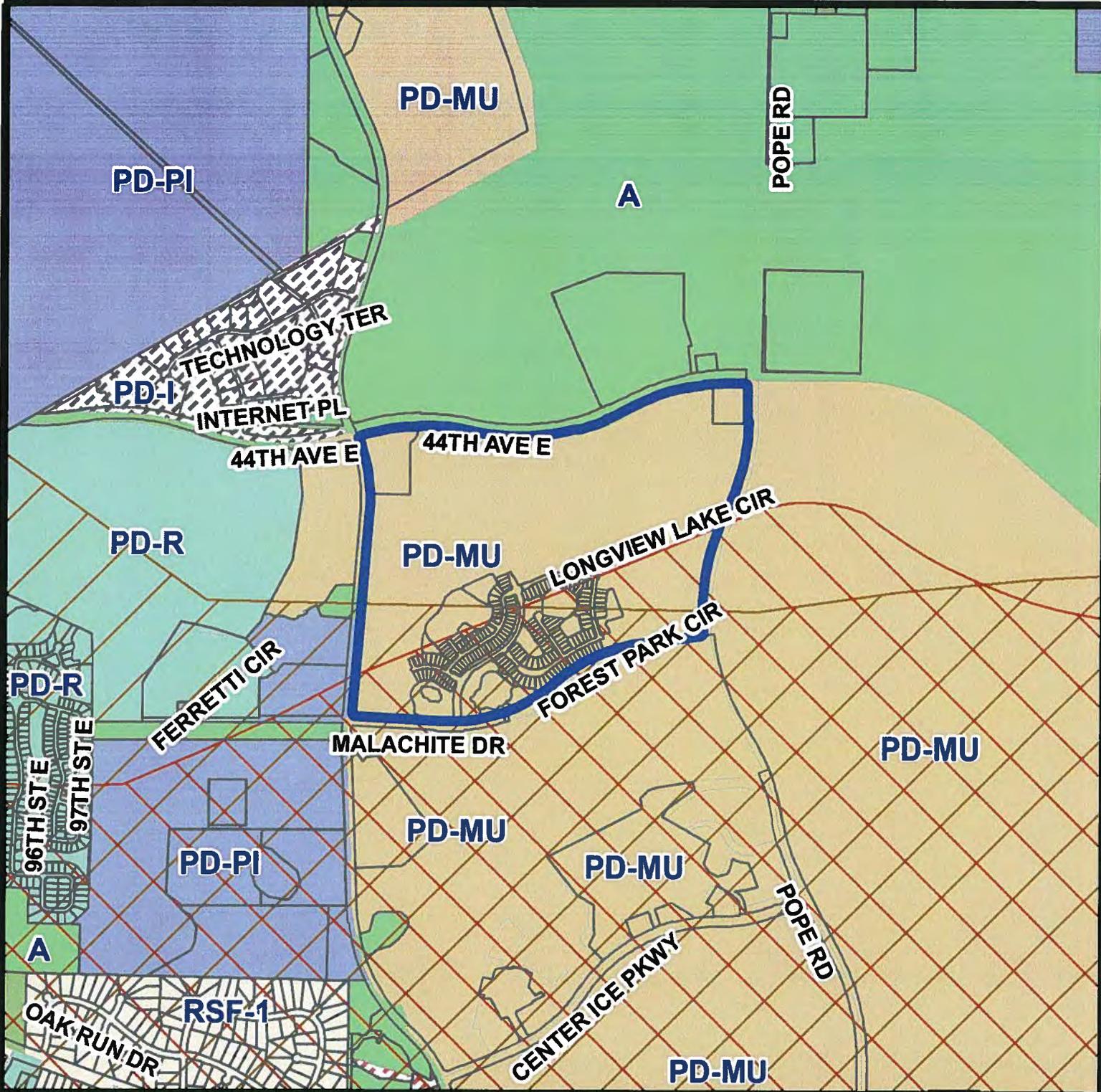
Manatee County
 Staff Report Map
 Map Prepared 7/13/2011

1 inch = 1,776 feet

Overlays

Evers Watershed (WPE)

ZONING



Parcel ID #(s) Multiple

Project Name: Central Park
 Project #: PDMU-05-09 (P)(R2)
 DTS#: 20110194
 Proposed Use: Mixed Use

S/T/R: Sec 7,8 Twn 35 Rng 19
 Acreage: 369.97
 Existing Zoning: PD-MU
 Existing FLU: UF-3
 Overlays: ST
 Special Areas: NONE

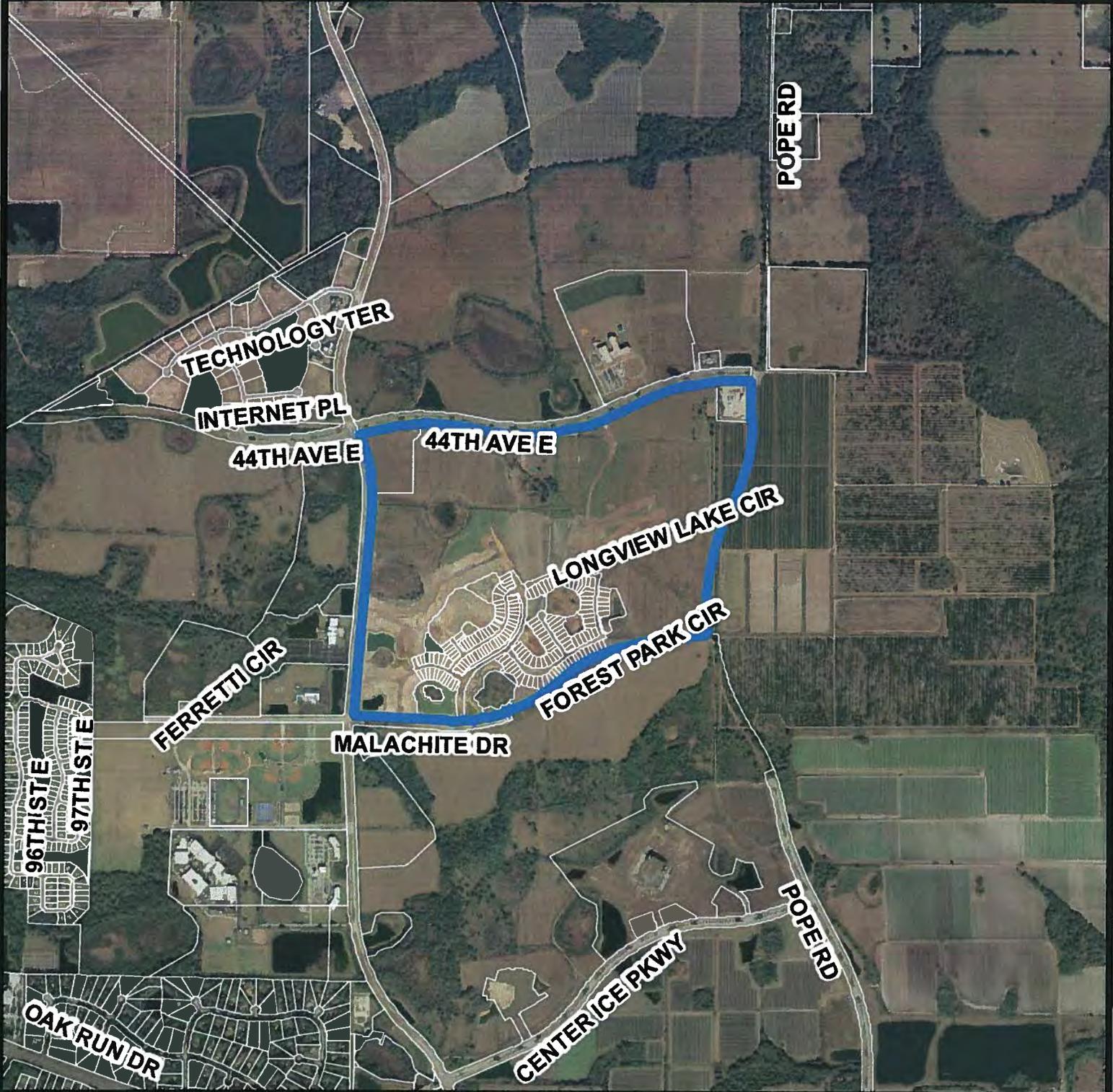
CHH: NONE
 Watershed: WPE
 Drainage Basin: GATES CREEK, MILL CREEK, WILLIAMS CREEK
 Commissioner: Donna Hayes

Manatee County
 Staff Report Map
 Map Prepared 7/13/2011
 1 inch = 1,776 feet

Overlays

-  Special Treatment
-  Evers Watershed (WPE)

AERIAL



Parcel ID #(s) Multiple

Project Name: Central Park
Project #: PDMU-05-09 (P)(R2)
DTS#: 20110194
Proposed Use: Mixed Use

S/T/R: Sec 7,8 Twn 35 Rng 19
Acreage: 369.97
Existing Zoning: PD-MU
Existing FLU: UF-3
Overlays: ST
Special Areas: NONE

CHH: NONE
Watershed: WPE
Drainage Basin: GATES CREEK, MILL CREEK, WILLIAMS CREEK
Commissioner: Donna Hayes



Manatee County
Staff Report Map
Map Prepared 7/13/2011

1 inch = 1,776 feet

P.C. 10/13/2011

PDMU-05-09(P)(R2) – Central Park (DTS #20110194)

An Ordinance of the Board of County Commissioners of Manatee County, Florida, approving an amended Zoning Ordinance and revised Preliminary Site Plan by amending the following:

- Increase the residential units from 800 to 826;
- Allow residential support uses;
- Modify commercial parcels boundaries;
- Reallocate commercial square footage;
- Modify dimensional criteria;
- Allow design flexibility by removing restrictions on land uses and design criteria;
- Amend the Ordinance definitions, conditions, and terminology to reflect the above changes;

subject to stipulations as conditions of approval; setting forth findings; providing a legal description; providing for severability, and providing an effective date. The site is generally located east of Lakewood Ranch Boulevard, south of 44th Avenue East, north of Malachite Drive and west of Pope Road, Bradenton (372 ± acres).

P.C.: 10/13/11

B.O.C.C.: 11/03/11

RECOMMENDED MOTION:

Based upon the staff report, evidence presented, comments made at the Public Hearing, and finding the request to be CONSISTENT with the Manatee County Comprehensive Plan and the Manatee County Land Development Code, as conditioned herein, I move to recommend ADOPTION of Manatee County Zoning Ordinance No. PDMU-05-09(P)(R2); amending and restating Ordinance No. PDMU-05-09(P)(R); for a project that previously granted Special Approval for: 1) a mixed use project in the UF-3 Future Land Use Category; 2) exceeding 1 dwelling unit per acre in the UF-3 Future Land Use Category; 3) exceeding 30,000 square feet of non-residential uses; and 4) partially in the Evers Watershed, as recommended by staff.

PROJECT SUMMARY	
CASE#	PDMU-05-09(P)(R2) - (DTS # 20110194)
PROJECT NAME	Central Park
APPLICANT(S):	Central Park Lifestyles, LLC
EXISTING ZONING:	PDMU (Planned Development Mixed Use) PDMU/WPE/ST (Planned Development Mixed Use/ Watershed Protection/Special Treatment Overlay) Zoning District
PROPOSED CHANGES(S):	<ol style="list-style-type: none"> 1) Increase the residential units from 800 to 826; 2) Allow residential support uses; 3) Modify commercial parcels boundaries; 4) Reallocate commercial square footage; 5) Modify dimensional criteria; 6) Allow design flexibility by removing restrictions on land uses and design criteria.
CASE MANAGER:	Rossina Leider
STAFF RECOMMENDATION:	APPROVAL

DETAILED DISCUSSION

History

Central Park is a community within the Northwest Sector DRI boundary. The Northwest Sector DRI was approved on November 1, 2007 for 4,422 dwelling units, 200,000 square feet of commercial space, and 105,000 square feet of office space, and an option to exchange other land uses for a 120 bed group care home.

Central Park is located between 44th Avenue East to the north, Malachite Drive (partially constructed) to the south, Lakewood Ranch Boulevard to the west, and Pope Road to the east and consisting of 800 dwelling units and 150,000 square feet of commercial and office space.

July 28, 2005: The Department of Community Affairs approved a Preliminary Development Agreement (PDA) for Central Park, allowing entitlements of 800 single-family residential units and 150,000 sq. ft. of commercial, to begin prior to the approval

of the Northwest Sector DRI.

December 7, 2006: The Preliminary Site Plan for Central Park was approved by the BOCC. Residential lot widths and sizes varied from 45 feet (5,625 sq. ft.) up to 76 feet (9,880 sq. ft.). The commercial/office component of the project consisted of two parcels located at the corners of 44th Avenue East and Pope Road (5.42 acres) and Lakewood Ranch Boulevard (11.52 acres), with setbacks of 90 feet front, 15 feet side, and 30 feet rear, and a maximum building height of 35 feet (24 feet measured at the rear of the building).

December 3, 2009: Received approval to delete the range of lot sizes establishing all 42' wide lots and a minimum lot size of 4,950 sq. ft., and delete limitations on placement of accessory structures (e.g., HVAC units, pumps, screen enclosures, etc.) within the side yard on lots with 6' side setbacks. This approval was consistent with the amendment to the Northwest Sector GDP approved by the BOCC on June 9, 2009 to delete the minimum established unit size for single-family detached residences.

Request

The request is for an amendment to the Preliminary Site Plan and the Zoning Ordinance for Central Park.

Request #1:

Increase the residential units from 800 to 826.

The Northwest Sector GDP is reallocating 26 single-family dwelling units from east of Pope Road to the west of Pope Road to accommodate the proposed increase in number of units in Central Park, without increasing the overall number of units or the density beyond the original approval of the Northwest Sector DRI, therefore, an NOPC is not required. There is a companion application for Northwest Sector GDP to take into account this and other changes.

The majority of the new lots are located in the northeast portion of the residential component of the project close to 44th Avenue East and Pope Road, with widths that predominantly vary from 42 feet to 45 feet.

The gross density is increasing from 2.26 to 2.33 dwelling units per acre, and the net density from 2.5 to 2.7 dwelling units per acre. Although the proposed density is higher than the original approval, the proposed gross and net density are smaller than the approved overall gross and net density for the Northwest Sector DRI (2.9 and 4.5 dwelling units per acre) and smaller than the approved gross density for Parcels C-1, C-2, C-3, and C-4 (Central Park) of the Northwest Sector DRI that vary from 2.4 to 4.2 dwelling units per acre.

The proposed open space acreage is 122.52 acres (32.94%), slightly higher than the previous approved open space (121.23 acres – 32.59%).

Staff has no objection since the increase in number of lots and density is consistent with the Northwest Sector DRI provisions, and no decrease of the open space is proposed.

Request #2:

Allow Residential Support Uses.

The applicant proposes to designate a “Residential Support Use Parcel” as part of the residential component of the project to accommodate the following potential uses:

- Churches or other Places of Worship
- Day Care Centers including Large, Medium, Small and Accessory
- Environmental Education Facilities
- School of Special Education.

A 2.22-acre “residential support use” parcel is proposed between the northwest commercial/office parcel (Commercial Area A) and the residential area. This area was previously designated and approved as residential only. The site plan shows a lake to the east of the proposed residential support parcel that will create a slight transition between the future use of the parcel and the residential area.

No square footage is proposed at this time. Churches and Other Places of Worship (excluding Large, Medium, Small and Accessory Day Care Centers) shall be allowed through an Administrative Review process. Large, Medium, and Small Day Care Centers, Accessory Day Care Centers, Environmental Education Facilities and Schools of Special Education shall count against the Northwest Sector DRI entitlements and may require a future NOPC.

Staff requested an additional note on the Preliminary Site Plan as follow:

The following Residential Support Uses are allowed in the “Residential Support Use Parcel”:

- a. Churches and Other Places of Worship (excluding Large, Medium, Small and Accessory Day Care Centers) shall be allowed by Administrative Permit if locational criteria can be met, or by Special Permit if those criteria cannot be met, pursuant to Section 704.13.1 of the Land Development Code as may be amended.
- b. Large, Medium and Small Day Care Centers, Accessory Day Care Centers, Environmental Education Facilities and Schools of Special Education shall count against the DRI entitlements and may require an NOPC.

Staff has requested a stipulation in the “Northwest Sector” development order [(PDMU-05-19(G)(R4)] to address the parameters for the future review of Residential Support

Uses as part of residential parcels: (Central Park is comprised of Residential Parcels C-1, C-2, C-3, and C-4 and Commercial/Office Parcels B and D of the Northwest Sector DRI)

Stipulation S(3).i:

S(3). Residential

- i. Residential Support Uses are allowed in Parcels A-2, C-1 through C-4, F, G-1 through G-9, J, and I. Churches and Other Places of Worship (excluding Large, Medium, Small and Accessory Day Care Centers) shall be allowed by Administrative Permit if locational criteria can be met, or by Special Permit if those criteria cannot be met, pursuant to Section 704.13.1 of the Land Development Code as may be amended. Large, Medium and Small Day Care Centers, Accessory Day Care Centers, Environmental Education Facilities and Schools of Special Education shall count against the Northwest Sector DRI entitlements and may require an NOPC.

Staff has no objection to the above request. The location of the proposed parcel appears appropriate for the proposed range of residential support uses, and a lake is proposed between that parcel and the residential component of the project that will serve as a buffer. The proposal is consistent with the Northwest Sector provisions.

Additionally, the applicant requests to allow “Day Care Center, including Large, Medium, Small and Accessory Day Care Center” (Residential Support Use) as an allowable use in Commercial Areas A and B (Northwest Sector - Commercial/Office Parcels B and D) as it is allowed in the rest of the commercial/office parcels of the Northwest Sector DRI (Parcels A-1, E, and K). The square footage shall count against the commercial entitlements of Commercial Areas A and B (Central Park). No square footage is proposed at this time.

The applicant proposes to add the use on the Central Park Preliminary Site Plan, under allowable uses in Commercial Parcels (Note #31). Staff has no objection to this request, as the proposal is consistent with the approved uses and conditions for the rest of the commercial/office parcels of the Northwest Sector DRI.

Requests #3 and #4:

Amend the Preliminary Site Plan to modify commercial parcel boundaries and reallocate commercial square footage.

The applicant proposes to increase the size and square footage of the northwest commercial/office parcel (Commercial Area A) and decrease the size and square footage of the northeast parcel (Commercial Area B), increasing the commercial acreage by 0.46 acres without exceeding the Northwest Sector DRI threshold and maintaining the previous total approved square footage of commercial/office uses as follows:

Central Park Commercial Areas	Central Park Previous Approval		Central Park Proposed Change		Northwest Sector	
	Acres	Sq. Ft.	Acres	Sq. Ft.	Acres	Sq. Ft.
Area A (Northwest)	11.52	100,000	14.14	119,650	11.6 ⁽¹⁾	100,000
Area B (Northeast)	5.42	50,000	3.26	30,350	5.8 ⁽²⁾	50,000
Total	16.94	150,000	17.40	150,000	17.40	150,000

(1) Northwest Sector Parcel B

(2) Northwest Sector Parcel D

Staff does not have concerns regarding the reallocation of commercial square footage since:

- **The request is consistent with the Northwest Sector GDP entitlements which provides the general location of commercial and office uses and total allowed square footage.**
- **The proposal does not exceed the maximum square footage of commercial/office uses allowed by the original Central Park approval and maintains the general location of the commercial/office parcels previously approved.**
- **The proposal complies with the approved width and design characteristics of the enhanced landscape buffer between commercial parcels and adjacent residential areas (40 feet wide buffer for Parcel A and 30 feet wide buffer for Parcel B which include 6 feet high berm and 6 feet high wall).**

Request #5:

Modify dimensional criteria.

The applicant requests to modify dimensional criteria for commercial/office buildings regarding the following:

- **Reduce front setback from 90 feet to 40 feet. Although the site plan shows 90 feet front setback, the dimensional criteria chart proposes a reduction to 40 feet front setback. Staff has no objection to this change.**
- **Increase maximum height from 35 feet to 45 feet and delete condition requiring a maximum height of 24 feet on the rear of the buildings within 175 feet of any residential lot (Stipulation 2.E). The site plan shows only two buildings at a 45 feet height within "Commercial Area A" with separation of 175 feet to residential lots and one building within "Commercial Area B" separated by at least 280 feet to residential lots. The 45' height proposal is consistent with the maximum height previously approved for commercial/office Parcels A-1 and E of the Northwest Sector DRI. No concerns regarding this proposal have been raised by the staff since there are stipulations that:**
 - **Ensure the attractive appearance of all building facades (materials, design, architectural details, etc.)**

- Limit homes to “one story houses” for all lots within 200 feet of the commercial parcels.
- No changes to the width and design characteristics of the previously approved enhanced buffer between commercial and residential areas (40 feet wide buffer for Commercial Area A and 30 feet wide buffer for Commercial Area B which include 6 feet high berm and 6 feet high wall).
- Much of the landscape buffer for Commercial Area A has already been constructed and is maturing in advance of commercial development.
- Prospective homeowners will be notified of the location and size of the future commercial and office developments within the project thru Notice to Buyers.

The applicant proposes “dimensional criteria” for the “Residential Support Use Parcel” as follow:

- Front: 40 feet
- Side: 15 feet
- Rear: 30 feet
- Maximum height: 3 stories (45 feet)

The proposed setbacks for the “Residential Support Use Parcel:

- are consistent with the proposed setback for the commercial component of the project, and
- comply with the dimensional criteria previously approved for commercial/office Parcels A-1, E, and K of the Northwest Sector DRI in which are allowed Residential Support Uses such as: Day Care Centers (Large, Medium, and Small), Accessory Day Care Centers, Churches and other Place of Worship, and Schools (including Elementary, Middle, High and Special Education).

Additional footnotes are added to the site plan to update the dimensional criteria chart to be consistent with the applicable approved notes for the dimensional criteria chart in the Northwest Sector General Development Plan:

- “Clarify applicable front yard setback for single-family residences”. Approved for Northwest Sector by the BOCC on 11/01/2007 [(PDMU-05-19(Z)(G)]. The applicant proposes to add footnote #10.A as follows:

The front yard setback for all single-family residences shall be 25’ to the garage portion of the structure. The remaining habitable portion of the structure may be setback 20’. The front yard setback for structures with side-loaded garages shall be 20’.

- “Delete limitations on placement of accessory structures”. Approved for Central Park by the BOCC on 12/03/2009 [(PDMU-05-09(P)(R)]. The applicant proposes to add footnote #10.B as follows:

There shall be a minimum of ten (10) foot separation between accessory equipment (e.g. air conditioner units, heat pumps, pumps, etc.) and structures alongside abutting houses with 6-foot side yard setbacks.

- **“Zero Lot Lines” as an option, maintaining previously approved building separation. Approved for the Northwest Sector DRI by the BOCC on 04/07/2011 [(PDMU-05-19(G)(R3)] and now applicable to Central Park. The applicant proposes to add the following footnote #10.C:**

Zero lot line alternative allows a side setback of 11’/1’ (Min.) with a building separation of no less than 12’.

Request #6:

Allow design flexibility by removing restrictions on land uses and design criteria.

The applicant requests to:

- **Delete all the stipulations that are duplicated in the Northwest Sector Zoning Ordinance [(PDMU-05-19(G)(R4)] (See attached Ordinance).**
- **Delete the following stipulations related to design standards for commercial areas to allow design flexibility:**

- **Stipulation 2.B:**

~~The eastern most outparcel on the commercial parcel at Lakewood Ranch Boulevard and 44th Avenue shall be limited to a bank, personal service establishment, business services, post office, or office. If a bank, the drive thru shall be on the west side of the building.~~

Staff has no objection to deleting stipulation 2.B since a “residential support use parcel” is proposed east of the eastern most outparcel of the Commercial Area A.

- **Stipulation 2.C:**

~~The minimum building setbacks on the two commercial parcels shall be as indicated on Sheets 4 and 12 of the Preliminary Site Plan. Setback reduction modifications, pursuant to Section 603.6 of the Land Development Code, shall not be granted to the buildings adjacent to the residential component.~~

The site plan shows a new layout of the commercial buildings without reduction of the rear setback previously shown on Sheets 4 and 12. Minimum setbacks proposed are consistent with the dimensional criteria approved originally for the rest of the commercial/office parcels of the Northwest Sector DRI. Staff has no objection to deleting stipulation 2.C.

- Stipulation 2.D:

~~The footprint for the two anchor stores on the parcel at Lakewood Ranch Road and 44th Avenue shall maintain the angle with the eastern property line unless increased building setbacks are provided to mitigate for the increased impacts.~~

The applicant requests deletion of the above stipulation to allow design flexibility. No reduction of buffer or side and rear setbacks is requested. Staff has no objection.

- Stipulation 2.N:

~~The developer shall construct vehicular access to the northwest commercial site from the residential component of the project. Such access may, at the developer option be gated. Modifications to the site plan to accommodate this connection may be administratively approved.~~

Staff has no objection, since the approved vehicular access from the residential area to the Commercial Area A (northwest commercial site) thru a local street will negatively impact the nearby residential lots by passerby traffic. The applicant proposes a pedestrian connection instead of the vehicular access. However, staff recommends:

- **Additional pedestrian access from the residential area to the proposed residential support use area, which is shown on the site plan.**
- **Modify stipulations S(2).k.3 and S(3).f.4 of the Northwest Sector [(PDMU-09-19(G)(R4)] as follows: (northwest commercial site of Central Park referenced above on Stipulation 2.N is equivalent to Parcel B of the Northwest Sector DRI referenced below on Stipulation S(2).k.3 and S(3).f.4)**

S(2). Non Residential

k. Parcels B and D

- ~~73) The developer shall construct vehicular access to the Parcel B from Parcel C-3. Such access may, at the developers option be gated. Modifications to the site plan to accommodate this connection may be administratively approved.~~

S(3). Residential

Parcels C-1 – C-4

- 4) The developer shall construct pedestrian access from Parcel B to Parcel C-3. Modifications to the site plan to accommodate this connection may be administratively approved.**

In conclusion, staff recommends approval of Request #1 thru #6.

SITE CHARACTERISTICS AND SURROUNDING AREA	
ADDRESS:	Not yet assigned
GENERAL LOCATION:	East of Lakewood Ranch Boulevard, south of 44 th Avenue East, north of Malachite Drive and west of Pope Road
ACREAGE:	± 372.0 acres
EXISTING USE(S):	Vacant and Residential (under construction)
FUTURE LAND USE CATEGORY(S):	UF-3 (Urban Fringe, 3 dwelling units per acre)
DENSITY:	2.26 du/ acre gross – 2.5 du/acre net (existing) 2.33 du/ acre gross – 2.7 du/acre net (proposed)
SPECIAL APPROVAL(S):	Previously granted for: <ul style="list-style-type: none"> • Mixed use project • Gross Residential Density exceeding 1 dwelling unit/acre • Non-Residential uses exceeding 30,000 sq. ft. • Partially in Evers Watershed Overlay
OVERLAY DISTRICT(S):	ST (Special Treatment) WP-E (Watershed Protection – Evers)
SPECIFIC APPROVAL(S):	Previously granted for Figure 715.C – Trees in Landscape buffer
SURROUNDING USES & ZONING	
NORTH	Land Use: Agriculture and Gullett Elementary School Zoning: A (General Agriculture)
SOUTH	Land Use: Agriculture and approved Lakewood Centre DRI (residential) Zoning: PDMU/WP-E/ST (Planned Development Mixed Use/ Watershed Protection Evers/Special Treatment Overlay District)
EAST	Land Use: Agriculture and approved Northwest Sector DRI (residential and commercial) Zoning: PDMU/WP-E/ST (Planned Development Mixed Use/ Watershed Protection Evers/Special Treatment Overlay District)

<p>WEST</p>	<p>Land Use: Agriculture, Community Uses (YMCA), LECOM, LECOM Dental School (under construction) and approved Northwest Sector DRI (mixed use)</p> <p>Zoning: PDMU/WP-E/ST (Planned Development Mixed Use/ Watershed Protection Evers/Special Treatment Overlay District) and PD-PI (Planned Development – Public Interest)</p>	
<p>SITE DESIGN DETAILS</p>		
<p>LOT SIZE(S):</p>	<p>Min. 4,950 sq. ft. (42' Min. Lot Width)</p>	
<p>SETBACKS: (*) (No changes are proposed to the existing residential setbacks)</p>	<p>EXISTING (*)</p> <p><u>Commercial/office</u> Front : 90' Side : 15' Rear: 30'</p>	<p>PROPOSED</p> <p><u>Commercial/office</u> Front : 40' Side : 15' Rear: 30'</p> <p><u>Residential Support Use Parcel:</u> Front : 40' Side : 15' Rear: 30'</p>
<p>OPEN SPACE:</p>	<p>122.52 acres - 32.94%</p>	
<p>RECREATIONAL AMENITIES:</p>	<p>A park, central to the project, includes a softball field, play equipment, plaza, tennis courts, and a recreation building with restrooms.</p>	
<p>RECREATIONAL ACREAGE:</p>	<p>9.25 acres</p>	
<p>ACCESS:</p>	<p>Access points are provided on:</p> <ul style="list-style-type: none"> • Lakewood Ranch Boulevard and 44th Avenue East for the northwest commercial parcel and residential support use parcel • 44th Avenue East and Pope Road for the northeast commercial parcel, • 44th Avenue East and Malachite Drive for residential land uses. 	
<p>FLOOD ZONE(S)</p>	<p>X – Firm Panel 120153 0360C</p>	

AREA OF KNOWN FLOODING	None
UTILITY CONNECTIONS	<ul style="list-style-type: none"> • 42" potable water line available on the east side of Lakewood Ranch Boulevard • 12" force main located on west side of Lakewood Ranch Boulevard
ENVIRONMENTAL INFORMATION	
Overall Wetland Acreage:	Total wetland acreage: 19.8 acres
Proposed Impact Acreage:	Wetland Impacts: 0.13 acres
No changes from previous approval.	

NEARBY APPROVED DEVELOPMENT

PROJECT	LOTS / UNITS	DENSITY/FAR	FLUC	APPROVED
Cypress Banks DRI	4,912 lots for single-family residences, 1,070 multi-family units, 213,674 sq. ft. of commercial space	1.5 d.u./acre gross FAR:0.17	UF-3/WO-E , ROR/WO-E & RES-1/ WO-E	Original: 8/9/89 Last NOPC: 12/04/08
Lakewood Centre DRI	436 lots for single-family attached and semi-detached residences 3,239 multi-family units 1,774,000 sq. ft. of commercial space 1,563,000 sq. ft. of office space 300 Hotel Rooms	4.3 gross/13 net FAR: 0.24	ROR & UF-3	08/05/08
Lakewood Ranch Commerce Park	621,300 sq. ft. mixed use (industrial, commercial, office)	0.22 FAR	IL	Original: 7/25/00 Last Amendment: 9/04/08
SMR North 70, LLC/NAP Lakewood Walk, LLC	145,000 sq. ft. retail	0.11 FAR	ROR/WO-E	Original: 11/3/05 Last Amendment: 10/26/10

LECOM	128,500 sq. ft. medical college	0.17 FAR	P/SP-2	9/04/03
REMAINING ISSUES OF CONCERN – NOT RESOLVED OR STIPULATED				
YMCA	37,000 sq. ft. community use	0.05 FAR	RES-1	10/30/00
Rosedale Addition	475 single-family detached residences	2.0 gross/3.06 net	UF-3 & RES-1	04/07/11
POSITIVE ASPECTS				
<ul style="list-style-type: none"> • Allowing “Residential Support Uses” in this location provides opportunities for the residents and employees of the area to find such uses without having to travel outside the immediate area. • The reallocation of commercial square feet to the intersection of Lakewood Ranch Blvd and 44th Avenue East will put services in an area that will capture more passerby traffic. • The dimensional criteria modifications will allow the project more flexibility. 				
NEGATIVE ASPECTS				
<ul style="list-style-type: none"> • Increasing maximum height of commercial/office buildings from 35 feet to 45 feet and deleting conditions requiring a maximum height of 24 feet on the rear of the buildings within 175 feet of any residential lot. 				
MITIGATING MEASURES				
<ul style="list-style-type: none"> • There are stipulations that: <ul style="list-style-type: none"> - Ensure the attractive appearance of all building facades (materials, design, architectural details, etc.) - Limit lots to “one story houses” within 200 feet of the commercial parcels. - No changes to the width and design characteristics of the previously approved enhanced buffer between commercial and residential areas (40 feet wide buffer for Commercial Area A and 30 feet wide buffer for Commercial Area B with a 6 feet high berm and 6 feet high wall). - Much of the landscape buffer for Commercial Area A has already been constructed and is maturing in advance of commercial development. - Prospective homeowners will be notified of the location and size of the future commercial and office developments within the project. 				

CONCURRENCY

CLOS APPLIED FOR: Y N
TRAFFIC STUDY REQ'D: Y N

The proposed amendment has no impact on existing concurrency reservations. At this time the number of proposed lots in Central Park is not increasing the overall number of approved residential units in the Northwest Sector DRI.

Northwest Sector DRI has an existing CLOS. CLOS-07-093 will expire on 12/31/2019 (reflects approval of LDA-10-01).

ATTACHMENTS

- 1. Applicable Comprehensive Plan Policies**
- 2. Copy of Newspaper Advertising**
- 3. Ordinance PDMU-05-09(P)(R2)**

APPLICABLE COMP PLAN POLICIES

Policy: 2.1.2.3 Permit the consideration of new residential and nonresidential development with characteristics compatible with existing development, in areas which are internal to, or are contiguous expansions of existing development if compatible with future areas of development.

Policy: 2.1.2.7 Review all proposed development for compatibility and appropriate timing. This analysis shall include:

- consideration of existing development patterns,
- types of land uses,
- transition between land uses,
- density and intensity of land uses,
- natural features,
- approved development in the area,
- availability of adequate roadways,
- adequate centralized water and sewer facilities,
- other necessary infrastructure and services.
- limiting urban sprawl

Policy: 2.2.1.11 UF-3: Establish the Urban Fringe – 3 Dwelling Units/Gross Acre future land use category as follows:

Policy: 2.2.1.11.1: Intent: To identify, textually, in the Comprehensive Plan's goals, objectives, and policies, or graphically on the Future Land Use Map, areas limited to the urban fringe within which future growth (and growth beyond the long term planning period) is projected to occur at the appropriate time in a responsible manner. The development of these lands shall follow a logical expansion of the urban environment, typically growing from the west to the east, consistent with the availability of services. At a minimum, the nature, extent, location of development, and availability of services will be reviewed to ensure the transitioning of these lands is conducted consistent with the intent of this policy. These UF-3 areas are those which are established for a low density urban, or clustered low-moderate density urban, residential environment, generally developed through the planned unit development concept. Also, to provide for a complement of residential support uses normally utilized during the daily activities of residents of these low or low-moderate density urban environments.

Policy: 2.2.1.11.2 Range of potential Uses (see Policies 2.1.2.3 – 2.1.2.7, 2.2.1.5): Suburban or urban density planned residential development with integrated residential support uses as part of such developments, medium retail and office commercial uses, short-term agricultural uses, agriculturally-compatible residential uses, farmworker housing, public or semi-public uses, schools, low intensity recreational uses, and appropriate water-dependent/water-related/water-enhanced uses (see also Objectives 4.2.1 and 2.10.4).

Policy 2.2.1.11.3 Range of Potential Density/Intensity: Maximum Gross Residential Density: 3 dwelling units per acre. Maximum Net Residential Density: 9 dwelling units per acres (except within the WO or CSVA Overlay Districts pursuant to Policies 2.3.1.5 and 4.3.1.5) Maximum Floor Area Ratio: 0.23 (0.35 for mini-warehouse use only)

Policy 2.2.1.11.4 Other information: (a) all mixed and multiple projects require special approval, as defined herein, and as further defined in any land development regulations developed pursuant to § 163.3202, F.S., (b) all projects for which gross residential density exceeds 1 dwelling unit per acre, or in which any net residential density exceeds 3 dwelling units per acre, shall require special approval, (c) any nonresidential project exceeding 30,000 square feet shall require special approval.

Objective 2.6.5 Quality in Project Design: Promote appropriate diversity within and between existing and future development projects to achieve high quality, efficient functioning design.

Policy: 2.6.5.1 Provide incentives for, and otherwise encourages the use of the planned unit development procedure to achieve quality, highly functional and well-integrated project designs.

Objective: 2.9.1 Strong Communities: Create and maintain communities which are characterized by their:

- connection, integration, and compatibility with surrounding land uses,
- community spaces and focal points,
- protection of the natural environment,
- connection and integration of pedestrian, bicycle, and vehicular systems,
- usable open spaces, and public access to water features,
- unifying design elements and features,
- variety of housing stock,
- pedestrian oriented structures, and pedestrian friendly design,
- connection to recreational facilities, schools, adjacent neighborhoods, employment opportunities and commercial uses.

Objective: 2.9.4 Community Image: Develop an aesthetically pleasing environment which enhances the image of Manatee County as a high quality community in which to live, work, and visit.

Copy of Newspaper Advertising

Bradenton Herald

NOTICE OF ZONING CHANGES IN UNINCORPORATED MANATEE COUNTY

NOTICE IS HEREBY GIVEN, that the Planning Commission of Manatee County will conduct a Public Hearing on **Thursday, October 13, 2011 at 9:00 a.m.** at the Manatee County Government Administrative Center, 1st Floor Chambers, 1112 Manatee Avenue West, Bradenton, Florida to consider, act upon, and forward a recommendation to the Board of County Commissioners on the following matters:

LDA-11-01 - PDR-06-34(Z)(P) PADDOCKS LAND VENTURE /THE PADDOCKS DTS#20110143

Request for approval of LDA-11-01 relating to the Paddocks project, approved as PDR 06 34(Z)(P); providing for the applicant's construction of improvements at the intersection of Ellenton-Gillette Road and Mendoza Road; providing for the approval of an extended Certificate of Level of Service Compliance for public facilities for the Project; and providing for the extension of the Preliminary Site Plan approved for the Project. The Project is located on a 82.04± acre parcel of property located in Manatee County, generally bounded by 37th Street East (a/k/a Mendoza Road) on the north, Ellenton-Gillette Road on the east, 29th Street East on the south, and the Seaboard Coast Line Railroad on the west. Through prior approvals, the Project has been approved for a maximum of two hundred sixty-four (264) residential units, consisting of forty-eight (48) lots for single-family detached residences, one hundred four (104) single-family residences on a single parcel, and one hundred twelve (112) multi-family units with at least twenty-six (26) of the units designated as workforce housing. The Project is approved with a maximum height of thirty-five (35) feet for all uses.

PDMU-05-19(G)(R4) - NORTH- WEST SECTOR

DTS20110193
Request: An Ordinance of the Board of County Commissioners of Manatee County, Florida, amending and restating Ordinance PDMU-05-19(Z)(G)(R), PDMU-05-19(Z)(G)(R2) and PDMU-05-19(G)(R3) to amend the General Development Plan to:

- Reallocate single-family units among parcels;
- Add residential support as a use;
- Modify dimensional criteria;
- Allow design flexibility by revising restrictions on land use and design criteria;
- Amend stipulations to facilitate these changes;
- Update the phasing table to reflect legislatively approved extensions;

subject to stipulations as conditions of approval; setting forth findings; providing a legal description; providing for severability, and providing an effective date. The development has been approved for 4,422 residences, 200,000 square feet of commercial space, 105,000 square feet of office space and a 120 bed group care facility, generally east of Lakewood Ranch Boulevard, south of 44th Avenue East extension, west of Lorraine Road, and north of S.R. 70. A 39.3 ± acre parcel is west of Lakewood Ranch Boulevard (1,518.9 ± acres).

PDMU-05-09(P)(R2) - CEN- TRAL PARK DTS20110194

An Ordinance of the Board of County Commissioners of Manatee County, Florida, approving an amended Zoning Ordinance and revised Preliminary Site Plan by amending the following:

- Increase the residential units from 800 to 826;
- Allow residential support uses;
- Modify commercial parcels boundaries;
- Reallocate commercial square footage;
- Modify dimensional criteria;
- Allow design flexibility by removing restrictions on land uses and design criteria;
- Amend the Ordinance definitions, conditions, and terminology to reflect the above changes;

subject to stipulations as conditions of approval; setting forth findings; providing a legal description; providing for severability, and providing an effective date. The site is generally located east of Lakewood Ranch Boulevard, south of 44th Avenue East, north of Malachite Drive and west of Pope Road, Bradenton (372 ± acres).

PDR-04-01(P)(R) - RIVER'S REACH (FKA: WATER'S EDGE) DTS20110162

An Ordinance of the Board of County Commissioners of Manatee County, Florida, amending Ordinance No. PDR-04-01(P) and the Preliminary Site Plan for the River's Reach Subdivision to:

1. Increase the number of single-family residential lots from 257 to 326 (69 additional lots),
2. Modify the overall gross density from 1.03 dwelling units per acre to 1.31 dwelling units per acre,
3. Modify Phase 1 lot sizes from 80' wide to a minimum of 52' and modify the front and side yard setbacks;
4. Relocate existing recreational amenities in Phase 2; and
5. Change existing stipulations to reflect the above, update departmental references, and reflect current standards.

The River's Reach Subdivision (249.17+ acres) is within the PDR/NCO (Planned Development Residential/North Central Overlay) zoning district. The site is north of the Manatee River on the west side of North Rye Road, in Parrish; subject to stipulations as conditions of approval; setting forth findings; providing a legal description; providing for severability, and providing an effective date.

PDMU-92-01(G)(R13) SCHROEDER-MANATEE RANCH, INC. / UNIVERSITY LAKES

An Ordinance of the Board of County Commissioners of Manatee County, Florida, relating to land development, amending Stipulation Q.(1) of Ordinance PDMU-92-01(Z)(G)(R12) and amending the General Development Plan to reallocate 100 multi-family units from Parcel 53 to Parcel 15, 16,791 square feet of non-residential square footage from Parcel 15 to Parcel 4/5, and 255 hotel rooms from Parcel 15 to Parcel 4/5 and amending note 2(E) regarding Parcel 15; other minor amendments as necessary; setting forth findings; providing for severability; and providing an effective date.

University Lakes is at the north-east intersection of the University Parkway and I-75 interchange, south of SR70, north of University Parkway, and east of I-75 to the current boundary at three miles east of Lorraine Road. The present zoning is PDMU/WP-E/ST (Planned Development Mixed Use / Evers Reservoir Watershed Protection and Special Treatment Overlay District) (4,101.2 ± acres).

All interested parties are invited to appear at this public hearing and be heard, subject to proper rules of conduct. Additionally, any written comments filed with the Director of the Building and Development Services Department will be heard and considered by the Planning Commission and entered into the record.

It is important that all parties present their concerns to the Planning Commission in as much detail as possible. The issues identified at the Planning Commission hearing will be the primary basis for the final decision by the Board of County Commissioners. Interested parties may examine the Official Zoning Atlas, the applications, related documents, and may obtain assistance regarding these matters from the Manatee County Building and Development Services Department, 1112 Manatee Avenue West, 2nd Floor, Bradenton, Florida, telephone number (941) 748-4501x6878; e-mail to: planning.agenda@mymanatee.org

According to Section 286.0105, Florida Statutes, if a person decides to appeal any decision made with respect to any matters considered at such meetings or hearings, he or she will need a record of the proceedings, and for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record would include any testimony or evidence upon which the appeal is to be based.

Americans With Disabilities:

The Board of County Commissioners of Manatee County does not discriminate upon the basis of any individual's disability status. This non-discrimination policy involves every aspect of the Board's functions including one's access to and participation in public hearings. Anyone requiring reasonable accommodation for this meeting as provided for in the ADA, should contact Kaycee Ellis at 742-5800; TDD ONLY 742-5802 and wait 60 seconds, or FAX 745-3790.

THIS HEARING MAY BE CONTINUED FROM TIME TO TIME PENDING ADJOURNMENTS.
MANATEE COUNTY PLANNING COMMISSION
Manatee County Building and Development Services Department
Manatee County, Florida
09/29/2011

Copy of Newspaper Advertising

Sarasota Herald Tribune

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 PADDOCKS LAND VENTURE/THE
 PADDOCKS
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 DTS20110194

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- Allow residential support uses;
- Modify commercial parcels boundaries;
- Relocate commercial square footage;
- Modify dimensional criteria;
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- Amend the Ordinance definitions, conditions, and terminology to reflect the above changes;

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The River's Reach Subdivision (249.17 ± acres) is within the PDR/NCO (Planned Development Residential/North Central Overlay) zoning district. The site is north of the Manatee River on the west side of North Rye Road, in Parrish; subject to stipulations as conditions of approval; setting forth findings; providing a legal description; providing for severability, and providing an effective date.

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 MANATEE COUNTY PLANNING COMMISSION
 Manatee County Building and Development Services Department
 Manatee County, Florida

Date of pub: September 30, 2011

**MANATEE COUNTY ZONING ORDINANCE
PDMU-05-09(P)(R₂) – CENTRAL PARK LIFESTYLES, LLC/CENTRAL PARK**

AN ORDINANCE OF MANATEE COUNTY, FLORIDA, AMENDING AND RESTATING ORDINANCE NO. PDRMU-05-09(Z)(P)(R) FOR CENTRAL PARK (APPROXIMATELY 372 ACRES) TO AMEND THE GENERAL DEVELOPMENT PLAN (GDP) AND PRELIMINARY SITE PLAN (PSP) TO INCREASE THE RESIDENTIAL UNITS FROM 800 TO 826; ALLOW RESIDENTIAL SUPPORT USES; MODIFY BOUNDARIES OF THE COMMERCIAL PARCELS; REALLOCATE COMMERCIAL SQUARE FOOTAGE; MODIFY DIMENSIONAL CRITERIA; ALLOW DESIGN FLEXIBILITY BY REMOVING RESTRICTIONS ON LAND USES AND DESIGN CRITERIA; AND MAKE NECESSARY AMENDMENTS TO THE GDP/PSP AND ZONING ORDINANCE TO REFLECT THESE CHANGES AND ANY OTHER REVISIONS DEEMED NECESSARY AND APPROPRIATE DURING THE PUBLIC HEARING PROCESS; AMENDING AND RESTATING THE EXISTING ORDINANCE; LOCATED EAST OF LAKEWOOD RANCH BOULEVARD, SOUTH OF FUTURE EXTENSION OF 44TH AVENUE, AND WEST OF POPE ROAD, BRADENTON, IN THE PDMU /WPE / ST (PLANNED DEVELOPMENT MIXED USED / WATERSHED PROTECTION / SPECIAL TREATMENT OVERLAY) ZONING DISTRICT; APPROVING REVISED NO. PDMU-05-09(P)(R) TO ALLOW 42' WIDE LOTS, 6' SIDEBACKS, AND DELETE LIMITATIONS ON PLACEMENT OF HVAC UNITS; SUBJECT TO STIPULATIONS AS APPROVAL; SETTING FORTH FINDINGS; PROVIDING A DESCRIPTION; PROVIDING FOR SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, Central Park Lifestyles, LLC (the "Applicant") has filed an application to amend the General Development Plan and for a revised Preliminary Site Plan for approximately 372 acres described in Exhibit "A", attached hereto, (the "Property") to allow 42' wide lots with 6' side yard setbacks; and

WHEREAS, Planning Building and Development Services Department staff recommended approval of the revised Preliminary Site Plan application and revised Ordinance subject to the stipulations contained in the staff report; and

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA:

Section 1. AMENDMENT AND RESTATEMENT OF ORDINANCE NO. PDMU-05-09(Z)(P). Ordinance PDMU-05-09(Z)(P) (as amended by PDMU-05-09(P)(R)) is hereby amended and restated in entirety below. All prior zoning ordinances (and any site plans approved pursuant thereto) shall be superseded by this ordinance. Any extensions, or rights to extensions, granted by the State Legislature pursuant to general law, or by Manatee County, to any dates contained herein are not intended to be changed or rescinded by the passage of this amended and restated ordinance.

Section 42. 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 Department, 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 and the Manatee County Planning Building and Development Services Department concerning the application for a revised Preliminary Site Plan as it relates to the real property described in Exhibit "A" of this Ordinance.
- B. The Board of County Commissioners held a duly noticed public hearing on ~~December 3, 2009~~ November 3, 2011 regarding the proposed revised Preliminary Site Plan described herein in accordance with the requirements of Manatee County Ordinance No. 90-01, (the Manatee County Land Development Code), and has further considered the information received at the public hearing.
- C. The proposed Preliminary Site Plan regarding the property described in Exhibit "A" herein is found to be consistent with the requirements of Manatee County Ordinance No. 89-01, the 2020 Manatee County Comprehensive Plan.

Section 23. PRELIMINARY SITE PLAN. The revised Preliminary Site Plan is hereby approved to allow 826 residential units, a Residential Support Use parcel and modify the boundaries of the commercial parcels and reallocate commercial square footage~~42' wide lots and 6' side yard setbacks~~ subject to the following Stipulations:

STIPULATIONS

~~1. 1.~~ This project shall comply with all ~~future~~ restrictions and conditions of the Northwest Sector DRI Development Order and GDP Zoning Ordinance, as may be amended, when approved. The applicant shall modify all applicable site plans to ~~address future restrictions and conditions imposed by the NW Sector DRI Development Order that are inconsistent with prior county approvals.~~ The applicant has the option to administratively amend the GDP/PSP, provided that such amendments are demonstrated to be consistent and compliant with the Northwest Sector DRI Development Order Ordinance 07-68 and Zoning Ordinance PDMU-05-19(G)(R4) and allowed to be administratively approved pursuant to the Land Development Code and the Comprehensive Plan.

2. Commercial Requirements

- A. The maximum square footage and FAR per commercial parcel shall not exceed what is ~~identified on the Preliminary Site Plan~~ allowed in the Northwest Sector GDP PDMU-05-19(G)(R4).
- ~~B.~~ The ~~eastern-most outparcel on the commercial parcel at Lakewood Ranch Boulevard and 44th Avenue shall be limited to a bank, personal service establishment, business services, post office, or office. If a bank, the drive thru shall be on the west side of the building.~~
- ~~C.~~ The ~~minimum building setbacks on the two commercial parcels shall be as indicated on Sheets 4 and 12 of the Preliminary Site Plan. Setback reduction modifications, pursuant to Section 603.6 of the Land Development Code, shall not be granted to the buildings adjacent to the residential component.~~
- ~~D.~~ The ~~footprint for the two anchor stores on the parcel at Lakewood Ranch Road and 44th Avenue shall maintain the angle with the eastern property line unless increased building setbacks are provided to mitigate for the increased impacts.~~
- ~~E.~~ The ~~maximum height of non-residential buildings within 175 feet of any residential lot shall be 24 feet.~~
- ~~F.~~ All building facades shall exhibit an aesthetically attractive appearance. Design shall be subject to the following criteria and reviewed for compliance by the Planning Department with future Final Site Plan and Building Permit submittals.

Duplicated in PDMU-05-19(Z)(G)(R4) Condition S(2).c.

~~1) The sides of all buildings shall have minimal blank walls no longer than 30 feet in length or 20' in height. In order to insure that the buildings do not project a massive blank wall, design elements with distinctive color variation shall include prominently visible architectural details [e.g., bumpouts, reveals and projecting ribs, cornice, offset building planes, windows, shutters, areas of contrasting or different finish building materials, etc.] or other methods, as approved by the Planning Director. Facades greater than 75 feet in length shall have varying rooflines through varying the height of the cornice, or the use of two or more roof types (parapet, dormers, and sloped, etc.).~~

Duplicated in PDMU-05-19(Z)(G)(R4) Condition S(2).c.1

~~2) Exterior building materials shall consist of brick, architectural precast concrete panels, architectural masonry units, split face block, glass, stucco, ceramic tile, stone, wood, or similar materials. Painted or exposed concrete block, or corrugated metal shall not be permitted, architectural metals in conjunction with other permitted building materials shall be allowed, provided that at least seventy five percent (75%) of the building face is constructed from other permitted materials.~~

Duplicated in PDMU-05-19(Z)(G)(R4) Condition S(2).c.2

~~G. All rooftop mechanical equipment shall be screened from view from abutting roadways or adjacent residential properties. Screening shall be provided by materials consistent with the building. Details shall be shown prior to Final Site Plan approval.~~

Duplicated in PDMU-05-19(Z)(G)(R4) Condition S(2).c.3

~~H. Service Areas~~

~~1) All truck loading, service areas, and outside storage, shall not be adjacent to or visible from adjacent roads or visible from residential properties.~~

~~2) Trash and garbage receptacles shall be screened with materials similar to the adjacent building facade.~~

Duplicated in PDMU-05-19(Z)(G)(R4) Condition S(2).d.

~~I. Exhaust and other filtering systems in Food Service Establishments or uses shall adhere to the Best Available Control Technology to eliminate or reduce the emission of smoke, grease, and odor from cooking facilities. This system shall be approved by the Environmental Management Department Air Quality Section with each Final Site Plan containing a Food Service Establishment or use.~~

Duplicated in PDMU-05-19(Z)(G)(R4) Condition S(2).e.

~~J. Exterior loudspeakers, bells, or similar audio communication shall not be permitted; however, directed (non-broadcast) communication devices and intercoms shall not be restricted. "Directed (non-broadcast)" shall mean not plainly audible to a person greater than 10 feet from the source.~~

Duplicated in PDMU-05-19(Z)(G)(R4) Condition S(2).f.

~~K. Tractor trailer or semi trucks involved in deliveries to the rear of the buildings (or side if it faces the residential component) shall be restricted to the hours between 7:00a.m. and 10:00p.m. During the period of time between 10:00p.m. and 7:00a.m., there shall be no:~~

- ~~• delivery, loading or unloading of tractor trailer or semi trucks;~~
- ~~• use of forklifts or other loading or unloading devices; and~~
- ~~• running of truck or trailer motors, or other refrigeration devices installed there on.~~

Duplicated in PDMU-05-19(Z)(G)(R4) Condition S(2).d.3

~~L. At time of Final Site Plan submittal, a fifteen foot buffer shall be provided along the boundary of the commercial parcel where it abuts the residential component.~~

Duplicated in PDMU-05-19(Z)(G)(R4) Condition S(2).k.5

~~M. At least one year prior to the first Final Site Plan approval for each commercial parcel, the abutting landscape buffer on the residential parcel shall be completed and certified to the Planning Department by a Florida Registered Landscape Architect. The Landscape Architect shall certify that all the trees have survived and sustained normal growth patterns. Trees which have not shall be replaced with enhanced tree sizes to make up the loss in growth time. Prior to Certificate of Occupancy for the main commercial buildings on each commercial building, a Florida Registered Landscape Architect shall re-certify that all the trees have survived and sustained normal growth patterns. Trees which have not shall be replaced with enhanced tree sizes to makeup the loss in growth time.~~

~~N. The developer shall construct vehicular access to the northwest commercial site from the residential component of the project. Such access may, at the developers option be gated. Modifications to the site plan to accommodate this connection may be administratively approved.~~

~~O. The applicant has the option of administratively relocating up to 3,000 square feet of commercial entitlements to lots adjacent to the central park, consistent with the Comprehensive Plan.~~

Duplicated in PDMU-05-19(Z)(G)(R4) Condition S(2).k.8

~~PB. Commercial uses accessory to the park may be located on the central park site administratively.~~

~~3. Residential~~

~~A. The front yard setback for all residences shall be 25' (20' to the building for side loaded garage).~~

Duplicated in PDMU-05-19(Z)(G)(R4) Condition S(3).a.

~~B. Prior to Final Plat approval for the section abutting each commercial parcel, the wall, berm, and landscaping depicted in Attachment "B" shall be installed.~~

~~**Duplicated in PDMU-05-19(Z)(G)(R4) Condition S(3).f.1**~~

~~C. To provide adequate area for tree canopy growth for screening purposes, the landscape buffer, where abutting the commercial component, shall be increased to a minimum width of 40 feet on the residential component. Lots shown on the Preliminary Site Plan as being within this stipulated buffer shall be redesigned and relocated out on the Final Site Plan.~~

~~**Duplicated in PDMU-05-19(Z)(G)(R4) Condition S(3).f.2**~~

~~D. The Notice to Buyers or Tenants shall be included in the Declaration of Covenants and Restrictions, and in a separate addendum to the sales contract, and in the Final Site Plan shall include language informing prospective homeowners of the following:~~

~~1) The future commercial development at the intersections of Lakewood Ranch Boulevard and 44th Avenue and at Pope Road and 44th Avenue. The Notice shall include the approved building area and a list of approved uses.~~

~~2) The future extensions of 44th Avenue and Pope Road as collector roadways along the north and east and the future extension of Malachite Drive as major local street along the south.~~

~~**Duplicated in PDMU-05-19(Z)(G)(R) Condition S(3).b.**~~

~~E. Lots within 200 feet of the commercial parcels shall be limited to one-story houses.~~

~~**Duplicated in PDMU-05-19(Z)(G)(R4) Condition S(3).f.3**~~

~~F. If, at time of Final Site Plan approval for the residential approval, the Northwest Sector DRI General Development Plan does not provide sufficient quality open space, as determined by the Planning Department, side yard setbacks shall be increased to 7.5 feet.~~

~~G. Prior to Final Site Plan approval the applicant shall provide a noise mitigation plan to the staff for mitigation of noise from thoroughfare roads. Such analysis shall demonstrate noise mitigation based on projected 2025 traffic volumes. The noise mitigation measure shall be installed as required by the approved plan.~~

~~**Duplicated in PDMU-05-19(Z)(G)(R4) Condition B(20).**~~

~~H. There shall be a minimum ten (10) foot separation between accessory equipment (e.g. air conditioner units, heat pumps, pumps, etc.) and structures alongside adjoining houses with 6-foot side yard setbacks. Exhibit "B"~~

~~**Duplicated in PDMU-05-19(G)(R34) Condition S(3).a. Footnote #4**~~

43. Environmental

~~A. An Exotic Plant Species Management Plan shall be submitted for review and approval prior to or concurrent with Final Site Plan or Construction Plan approval. The management plan shall provide for the continued, phased, removal of nuisance, exotic plant species that become reestablished within common areas of a residential development and open spaces within non-residential projects, for the life of the project. Removal of all exotic nuisance plant species from upland portions of the site shall be completed prior to the first Final Plat approval, in accordance with Section 715.4 of the LDC.~~

Duplicated in PDMU-05-19(Z)(G)(R4) Condition D(1).

~~B. The project shall use the lowest quality of water available for irrigation purposes. Use of Manatee County public potable water supply shall be prohibited for in-ground irrigation systems, including those on individual lots.~~

Duplicated in PDMU-05-19(Z)(G)(R4) Condition I(8).

~~C. Unless otherwise approved by the Planning Department, native or drought tolerant landscape materials shall be utilized. The developer and future owners of the site shall be required to participate in the Florida Yards and Neighborhood Program.~~

Duplicated in PDMU-05-19(Z)(G)(R4) Condition D(3).

~~DA. Erosion and Sediment Control (ESC) measures are required by Sections 717.3.17 and 717.4.2.7 of the LDC. S&EC drawings, details, or notes have not been included in this submittal. Locations, details or notes for ESC should be submitted to the Planning Building and Development Services Department for approval and be included in the Final Site Plan.~~

~~E. An integrated Pest Management Plan (IPM) for the application of fertilizers, pesticides, and herbicides shall be submitted to the Planning Department for review and approval prior to Final Site Plan approval. Where practical, native or drought tolerant landscape materials shall be utilized in common areas.~~

Duplicated in PDMU-05-19(Z)(G)(R4) Condition E(2).

~~F. A construction Water Quality Monitoring Program and proposed sampling locations shall be submitted to the EMD for review and approval prior to any land clearing activities, or Final Site Plan approval, whichever occurs first.~~

Duplicated in PDMU-05-19(Z)(G)(R4) Condition E(3).

~~G. The entire sites shall be evaluated for potential hazardous material locations (i.e., historical cattle dipping vats, underground / aboveground storage tanks, or buried drums), by a qualified environmental consultant. Should evidence of contamination be discovered, further investigation will~~

~~be required to determine the level of contamination and appropriate remediation / mitigative measures.~~

Duplicated in PDMU-05-19(Z)(G)(R4) Condition E(4).

~~H. 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. A Management Plan, approved by the appropriate State or Federal agency, shall be provided to the Planning Department for any listed species found on-site, prior to Final Site Plan approval.~~

Duplicated in PDMU-05-19(Z)(G)(R4) Condition D(4).

~~I. The developer shall be responsible for providing mitigation for impacts to Wetland 41 associated with the widening of Lakewood Ranch Boulevard. The amount of mitigation required for the proposed wetland impacts will be determined and approved by SWFWMD utilizing the Uniform Mitigation Assessment Method (UMAM), with the issuance of the Environmental Resource Permit.~~

Duplicated in PDMU-05-19(Z)(G)(R4) Condition C(8).

~~J. The developer shall provide a copy of the Environmental Resource Permit approved by SWFWMD to the Planning Department prior to Final Site Plan approval.~~

Duplicated in PDMU-05-19(Z)(G)(R4) Condition C(9).

54. Transportation and Drainage

~~A. Prior to or concurrent with each Final Plat approval abutting perimeter roads, right of way for adjacent perimeter roadways as shown on the Preliminary Site Plan shall be dedicated.~~

Duplicated in PDMU-05-19(Z)(G)(R4) Condition B(18).

BA. Prior to the first Certificate of Occupancy for the commercial parcel at Pope Road and 44th Avenue, the following roadway improvements shall be completed:

- 1). The outside 2 lanes of a 4 lane divided design for 44th Avenue (with sidewalks and bike lanes) from Lakewood Ranch Boulevard to Pope Road; **(Completed)**
- 2). The outside 2 lanes of a 4 lane divided design for Pope Road (with sidewalks and bike lanes) from 44th Avenue to Malachite Drive; and
- 3). The outside 2 lanes of a 4 lane divided design for Malachite Drive (with sidewalks and bike lanes) from Lakewood Ranch Boulevard to Pope Road.

~~C. This project shall be required to reduce the calculated pre-development flow rate by up to fifty percent (50%) for all stormwater outfall flow directly~~

~~or indirectly into Mill Creek. Modeling shall be used to determine pre- and post-development flows.~~

Duplicated in PDMU-05-19(Z)(G)(R4) Condition G(16).

~~DB.~~ The project shall provide 150% water quality treatment for outfall flow directly or indirectly into the Evers Reservoir Water Protection Overlay (WP-E).

~~E.~~ The Drainage Model and Construction Plan shall demonstrate that no adverse impacts will be created to neighboring residents surrounding the site in respect to drainage routing, grading, and runoff.

Duplicated in PDMU-05-19(Z)(G)(R4) Condition G(17).

~~FC.~~ Approval of Final Site Plan, Construction Plans and Preliminary Plats, as well as construction of horizontal infrastructure and issuance of building permits for and construction of model homes is authorized prior to substantial completion of the improvements to SR64 between Lena Road and Lakewood Ranch Boulevard, after approval of a Certificate of Level of Service. Approval of Final Plats and issuance of Building Permits for residential units other than model homes is not authorized until the construction of improvements to SR64 between Lena Road and Lakewood Ranch Blvd. is Substantially complete (i.e. all lanes open for travel) as determined by the County Transportation Director, unless and until prior to the first permit for a residential dwelling unit for other than a model unit the County and the Developer have executed a Local Development Agreement providing for:

- (1). Authorization of the construction of up to 50 building permits for residential units (inclusive of model permits), Subject to the County acceptance of the bid for completion of SR64 improvements by FOOT and commencement of construction of said improvements.
- (2) Contribution by the Developer of \$500,000 to the County, said amount which would be non-impact fee creditable; and
- (3) Such other terms and conditions as are mutually agreed upon.

~~G.~~ The developer shall provide an easement(s) to Manatee County to accept stormwater to accommodate future roadway expansion for ~~Pepe Road, 44th Avenue East, Malachite Drive, and Lakewood Ranch Boulevard,~~ along with the right of access to modify the stormwater system(s) to create additional treatment and attenuation capacity, at the expense of the County if that expense is the County's responsibility.

~~H.~~ The developer shall dedicate sufficient right-of-way at all roadway intersections to accommodate future buildout design for each intersection.

Duplicated in PDMU-05-19(Z)(G)(R4) Condition B(19).

Section 34. 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 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. 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 3rd day of ~~December~~ November, 201109.

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

**BY: _____
Dr. ~~Gwendolyn~~ ~~Y.~~ ~~Brown~~,
Chairman
Carol Whitmore, Chairman**

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

**BY: _____
Deputy Clerk**

Exhibit "A"

LEGAL DESCRIPTION

A tract of land lying in Section 7 and 8, Township 35 South, Range 19 East, Manatee County, Florida and described as follows:

Commence at the Southwest corner of Section 8, Township 35 South, Range 19 East; thence S.89°34'35"E., a distance of 4,473.76 feet; thence N.00°25'25"E., a distance of 1,865.88 feet to the POINT OF BEGINNING; thence S.82°55'49"W., a distance of 734.17 feet to the point of curvature of a curve to the left having a radius of 2,143.00 feet and a central angle of 34°25'49"; thence southwesterly along the arc of said curve, an arc length of 1,287.78 feet to the point of reverse curvature of a curve to the right having a radius of 2,023.00 feet and a central angle of 44°37'24"; thence westerly along the arc of said curve, an arc length of 1,575.56 feet to the point of tangency of said curve; thence N.86°52'35"W., a distance of 1,131.57 feet to the point of curvature of a curve to the right having a radius of 50.00 feet and a central angle of 91°33'16"; thence northwesterly along the arc of said curve, an arc length of 79.90 feet to the point of tangency of said curve, said point being a point on the east line of Lakewood Ranch Boulevard as recorded in Official Record Book 1443, Page 4980 of the Public Records of Manatee County, Florida; the following 2 calls are along said east line of Lakewood Ranch Boulevard; thence N.04°40'41"E., a distance of 2,619.78 feet to the point of curvature of a curve to the left having a radius of 2,060.00 feet and a central angle of 25°57'27"; thence northerly along the arc of said curve, an arc length of 933.27 feet to the point of reverse curvature of a curve to the right having a radius of 50.00 feet and a central angle of 95°42'23"; thence northeasterly along the arc of said curve, a distance of 83.52 feet to the point of tangency of said curve; thence N.74°25'37"E., a distance of 50.78 feet to the point of curvature of a curve to the right having a radius of 2,777.50 feet and a central angle of 14°53'05"; thence easterly along the arc of said curve, an arc length of 721.56 feet to the end of said curve, thence N.00° 41'18"W. along a line radial to the last described curve, a distance of 12.50 feet to the point of curvature of a non-tangent curve to the right, of which the radius point lies S.00°41'18"E., a radial distance of 2,790.00 feet; thence easterly along the arc of said curve, through a central angle of 13°12'59", an arc length of 643.57 feet to the point of reverse curvature of a curve to the left having a radius of 2,940.00 feet and a central angle of 41°16'07"; thence easterly along the arc of said curve, a distance of 2,117.61 feet to the point of reverse curvature of a curve to the right having a radius of 2,790.00 feet and a central angle of 16°32'46"; thence easterly along the arc of said curve, a distance of 805.71 feet to the end of said curve; thence S.12°11'41"E. along a line radial to the last described curve, a distance of 12.50 feet to the point of curvature of a non-tangent curve to the right, of which the radius point lies S. 12°11'41"E., a radial distance of 2,777.50 feet; thence easterly along the arc of said curve, through a central angle of 13°04'19", an arc length of 633.68 feet

to the point of tangency of said curve; thence S.89°07'21"E., a distance of 137.85 feet to the point of curvature of a curve to the right having a radius of 50.00 feet and a central angle of 89°22'24"; thence southeasterly along the arc of said curve, an arc length of 77.99 feet to the point of tangency of said curve; thence S.00°15'03"W., a distance of 359.07 feet to the point of curvature of a curve to the right having a radius of 2,780.00 feet and a central angle of 01°37'40"; thence southerly along the arc of said curve, an arc length of 78.98 feet to the end of said curve; thence S.88°07'17"E. along a line radial to the last described curve, a distance of 20.00 feet to the point of curvature of a non-tangent curve to the right, of which the radius point lies N.88°07'17"W., a radial distance of 2,800.00 feet; thence southerly along the arc of said curve, through a central angle of 24°46'23", an arc length of 1,210.64 feet to the point of reverse curvature of a curve to the left having a radius of 2,930.00 feet and a central angle of 31°36' 21"; thence southerly along the arc of said curve, an arc length of 1,616.27 feet to the point of reverse curvature of a curve to the right having a radius of 50.00 feet and a central angle of 87°53'04"; thence southwesterly along the arc of said curve, an arc length of 76.69 feet to the POINT OF BEGINNING.

Said tract contains 16,204,397 square feet of 372.0018 acres, more or less.

MANATEE COUNTY GOVERNMENT

AGENDA MEMORANDUM

SUBJECT	PDR-04-01(P)(R) - River's Reach (fka: Water's Edge)	TYPE AGENDA ITEM	Advertised Public Hearings – Consent
DATE REQUESTED	10/13/11 PC	DATE SUBMITTED/REVISED	10/05/11
BRIEFINGS? Who?	None	CONSEQUENCES IF DEFERRED	N/A
DEPARTMENT/DIVISION	Building and Development Services / Comprehensive Planning and Public Hearings	AUTHORIZED BY TITLE	John Osborne, AICP, Planning and Zoning Official <i>JS</i>
CONTACT PERSON TELEPHONE/EXTENSION	Lisa Barrett / 748-4501 ext. 6884 DTS20100214	PRESENTER/TITLE TELEPHONE/EXTENSION	Lisa Barrett / Planning Manager / 748-4501 ext. 6884
ADMINISTRATIVE APPROVAL			

ACTION DESIRED
INDICATE WHETHER 1) REPORT; 2) DISCUSSION; 3) FORM OF MOTION; OR 4) OTHER ACTION REQUIRED

I move to recommend APPROVAL of PDR-04-01(P)(R) per the recommended motion in the staff report attached to this memo.

ENABLING/REGULATING AUTHORITY
Federal/State law(s), administrative ruling(s), Manatee County Comp Plan/Land Development Code, ordinances, resolutions, policy

Manatee County Comprehensive Plan and Manatee County Land Development Code.

BACKGROUND/DISCUSSION

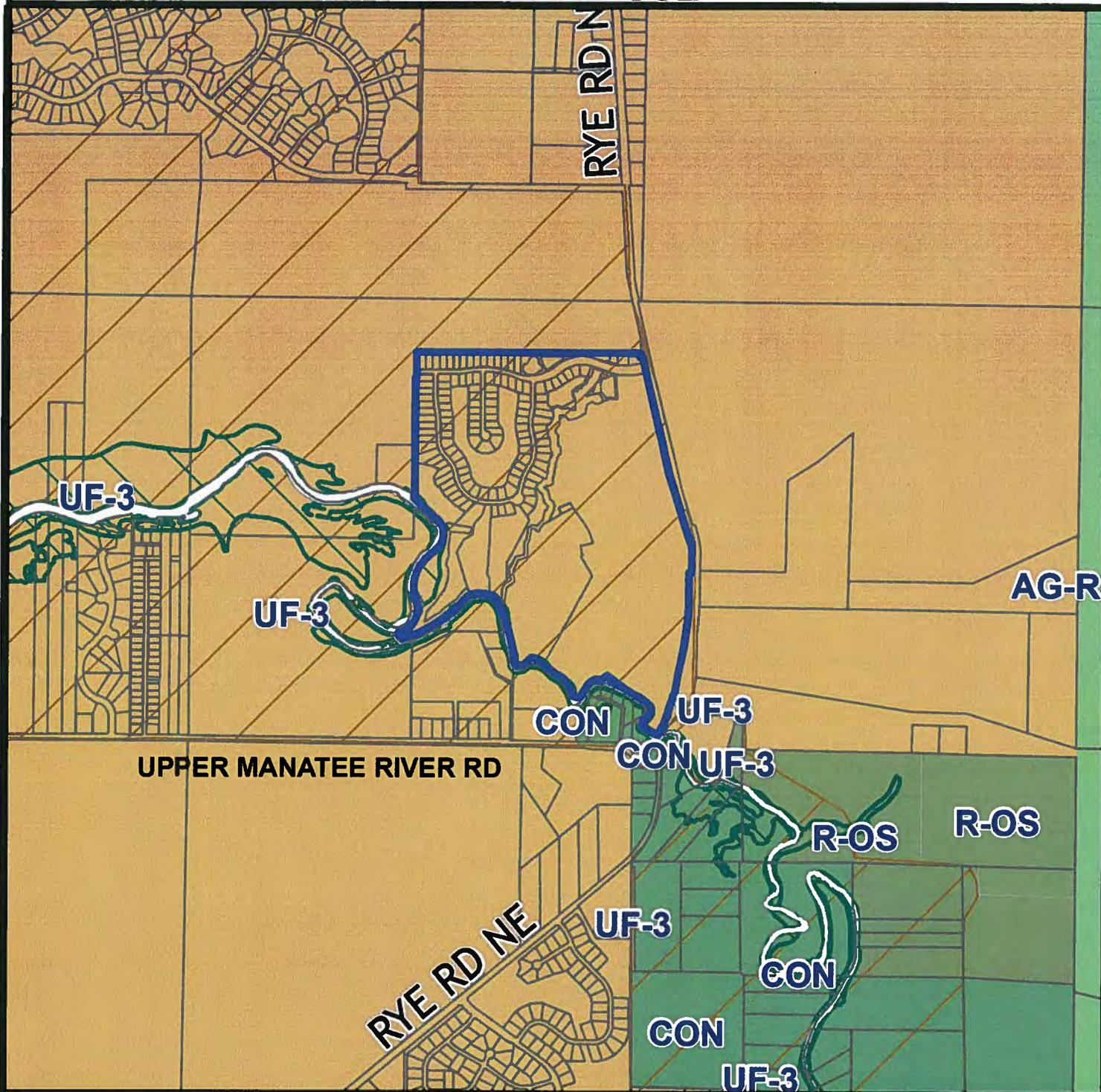
- The River's Reach Subdivision (249.17+ acres) is within the PDR/NCO (Planned Development Residential/North Central Overlay) zoning district.
- History
 - River's Reach was originally approved on January 25th, 2005 and was known as Water's Edge.
 - The site was rezoned from A (General Agriculture, 1 dwelling unit per five acres), A/CH (Agriculture, 1 dwelling unit per five acres/Coastal High Hazard), A-1 (Suburban Agricultural, 1 dwelling unit per acre), and A-1/CH (Suburban Agricultural, 1 dwelling unit per acre/Coastal High Hazard) to PDR and PDR/CH (Planned Development Residential) retaining the CH (Coastal High Hazard) Overlay with a Preliminary Site Plan for a 257 single-family lot subdivision to be built in three phases.
 - When originally approved in 2005, the NCO (North Central Overlay) District was not yet established.
 - A Final Site Plan for all three phases was approved on January 17, 2006. Phases 1 and 2 were platted as originally approved per the Preliminary and Final Site Plans on October 26th, 2007 and June 22, 2007, respectively. Phase 1, Revised was re-platted to one common tract and approved on October 9th, 2009. Phase 3 has not yet been platted.
- Today's Request
 - The primary change is to Phase 1. The applicant requests to increase the number of lots in Phase 1 by 69 (128 to 197 lots in Ph 1/ 257 to 326 lots overall). No change is proposed to Phase 3.
 - In conjunction with the increase in lots in Phase 1, the applicant proposes to decrease the lot width from 80' and 100' (100' along North Rye Road) to a minimum width of 52'. The front and side setbacks are also requested to be reduced from 25' to 23' for front yard setbacks and 7.5' to 6' for side yard setbacks. The rear yard setback is to remain at 15'.
 - Within Phase 2 are approximately 15 existing homes. The majority of the changes impact Phase 1; however the applicant does propose to relocate a canoe launch and sand volleyball court and reduce the length of a nature trail in Phase 2. Overall this may benefit most of the residents as the amenities will be closer; however, it could potentially pose as a negative impact to those homeowners closest to the newly positioned canoe launch and volleyball court.
- With the staff recommended stipulations, staff recommends approval of the request.

COUNTY ATTORNEY REVIEW

Check appropriate box	
<input checked="" type="checkbox"/>	REVIEWED Written Comments: <input type="checkbox"/> Attached <input checked="" type="checkbox"/> Available from Attorney (Attorney's initials: WEC)
<input type="checkbox"/>	NOT REVIEWED (No apparent legal issues.)
<input type="checkbox"/>	NOT REVIEWED (Utilizes exact form or procedure previously approved by CAO.)
<input type="checkbox"/>	OTHER

ATTACHMENTS: (List in order as attached)		INSTRUCTIONS TO BOARD RECORDS:	
Staff report	n/a	n/a	
COST:	n/a	SOURCE (ACCT # & NAME):	n/a
COMMENTS:		AMT./FREQ. OF RECURRING COSTS: (ATTACH FISCAL IMPACT STATEMENT)	

FUTURE LAND USE



Parcel ID #(s) Multiple

Project Name: Rivers Reach (fka Waters Edge)
 Project #: PDR-04-01 (P)(R)
 DTS#: 20110162
 Proposed Use: Residential

S/T/R: Sec 13,14 Twn 34 Rng 19
 Acreage: ± 249.17
 Existing Zoning: PD-R
 Existing FLU: UF-3
 Overlays: NCO
 Special Areas: Greenway

CHH: Y
 Watershed: NONE
 Drainage Basin: MANATEE RIVER BL DAM, GODDARD CREEK
 Commissioner: Larry Bustle



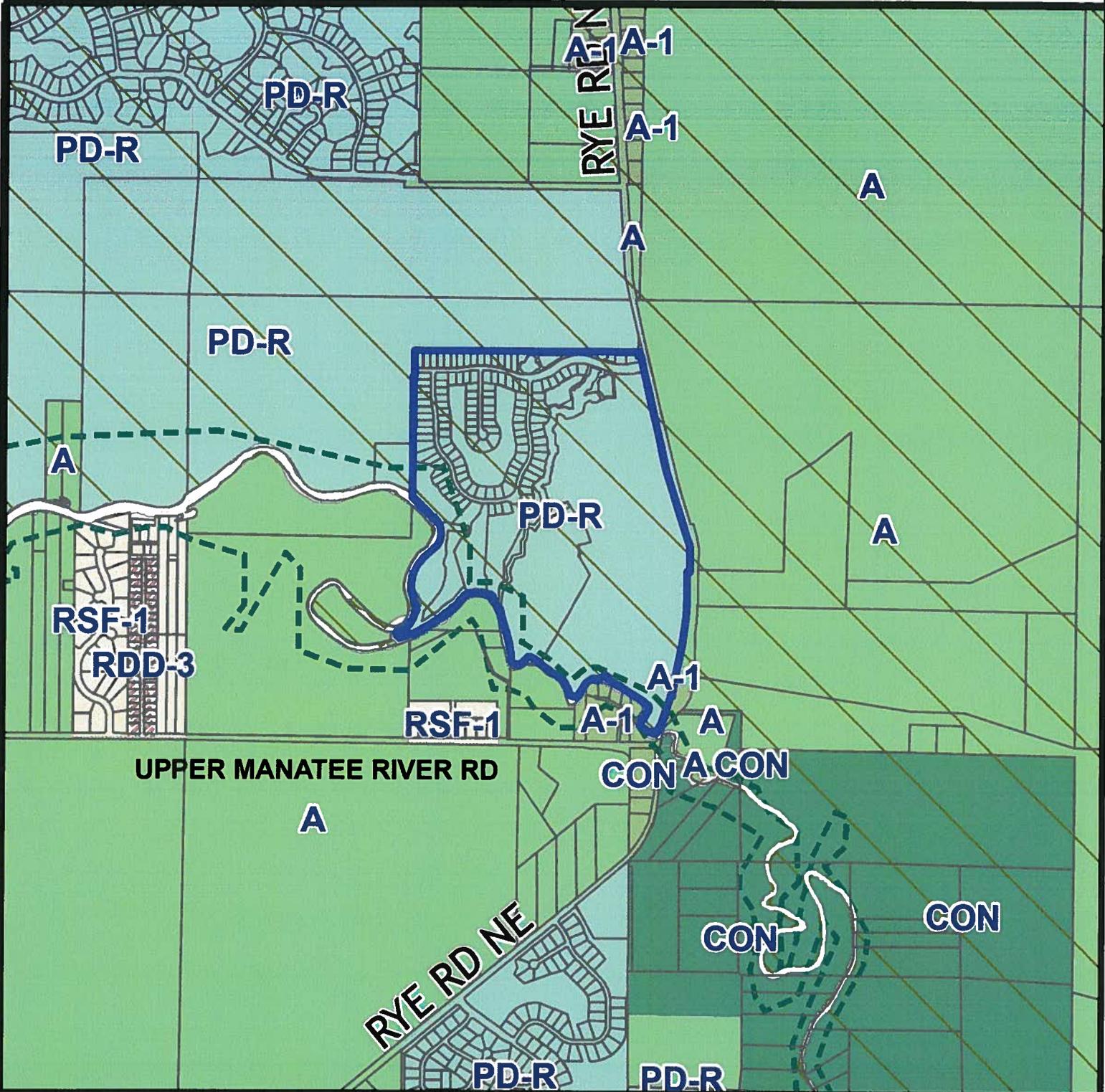
Manatee County
 Staff Report Map

Map Prepared 6/23/2011
 1 inch = 1,621 feet

Overlays

- Coastal Evacuation Area
- CHH - FLU (2008)

ZONING



Parcel ID #(s) Multiple

Project Name: Rivers Reach (fka Waters Edge)
 Project #: PDR-04-01 (P)(R)
 DTS#: 20110162
 Proposed Use: Residential

S/T/R: Sec 13,14 Twn 34 Rng 19
 Acreage: ± 249.17
 Existing Zoning: PD-R
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Manatee County
 Staff Report Map

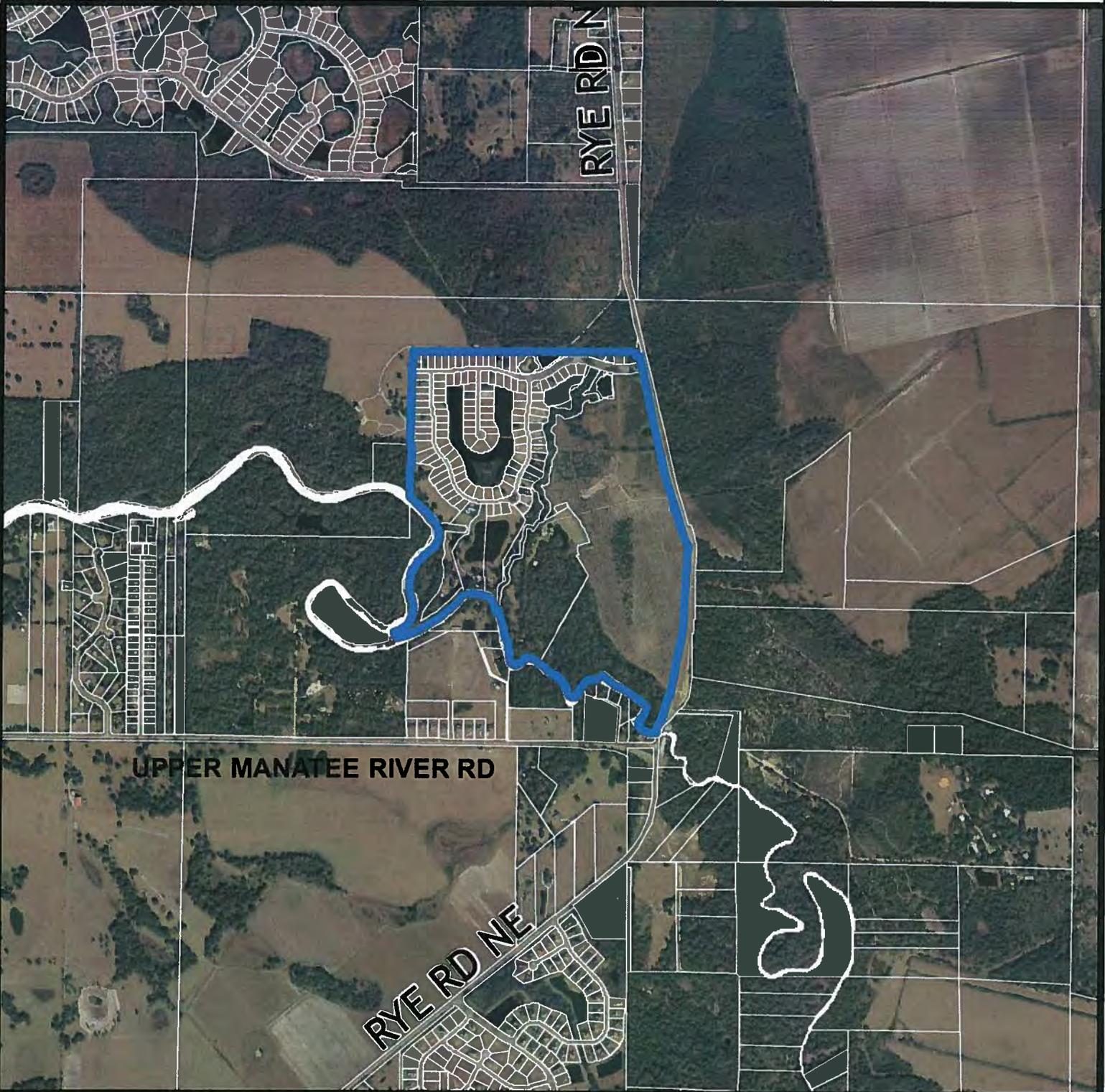
Map Prepared 6/23/2011

1 inch = 1,621 feet

Overlays

-  CHH - Zoning
-  North Central Overlay

AERIAL



Parcel ID #(s) Multiple

Project Name: Rivers Reach (fka Waters Edge)
Project #: PDR-04-01 (P)(R)
DTS#: 20110162
Proposed Use: Residential

S/T/R: Sec 13,14 Twn 34 Rng 19
Acreage: ± 249.17
Existing Zoning: PD-R
Existing FLU: UF-3
Overlays: NCO
Special Areas: Greenway

CHH: Y
Watershed: NONE
Drainage Basin: MANATEE RIVER BL DAM, GODDARD CREEK
Commissioner: Larry Bustle



Manatee County
Staff Report Map

Map Prepared 6/23/2011

1 inch = 1,621 feet

P.C. 10/13/11

PDR-04-01(P)(R) – RIVER’S REACH (FKA: WATER’S EDGE) (DTS #20110162)

An Ordinance of the Board of County Commissioners of Manatee County, Florida, amending Ordinance No. PDR-04-01(P) and the Preliminary Site Plan for the River’s Reach Subdivision to:

1. Increase the number of single-family residential lots from 257 to 326 (69 additional lots),
2. Modify the overall gross density from 1.03 dwelling units per acre to 1.31 dwelling units per acre,
3. Modify Phase 1 lot sizes from 80’ wide to a minimum of 52’ and modify the front and side yard setbacks,
4. Relocate existing recreational amenities in Phase 2; and
5. Change existing stipulations to reflect the above, update departmental references, and reflect current standards.

The River’s Reach Subdivision (249.17± acres) is within the PDR/NCO (Planned Development Residential/North Central Overly) zoning district. The site is north of the Manatee River on the west side of North Rye Road, in Parrish; subject to stipulations as conditions of approval; setting forth findings; providing a legal description; providing for severability, and providing an effective date.

P.C.: 10/13/2011

B.O.C.C.: 11/03/2011

RECOMMENDED MOTION:

Based upon the staff report, evidence presented, comments made at the Public Hearing, and finding the request to be CONSISTENT with the Manatee County Comprehensive Plan and the Manatee County Land Development Code, as conditioned herein, I move to recommend ADOPTION of Manatee County Zoning Ordinance No. PDR-04-01(P)(R), APPROVAL of the revised Preliminary Site Plan with Stipulations A.1 – A.19, B.1 – B.14, C.1 – C.12, D.1 – D.2, and E.1 – E.3; GRANTING Special Approval for a project: 1) within the Coastal Evacuation Area Overlay District; 2) adjacent to a perennial stream; 3) partially within the Coastal High Hazard Area; and 4) for a density exceeding 1 dwelling unit per acre in the UF-3 Future Land Use Category; ADOPTING the findings for Specific Approval; and GRANTING Specific Approval for an alternative to LDC Sections 712.2.8, 714.8.7, and 604.10.3.5 of the Land Development Code, as recommended by staff.

PROJECT SUMMARY	
CASE#	PDR-04-01(P)(R)/(DTS # 20110162)
PROJECT NAME	River’s Reach
APPLICANT(S):	River’s Reach Associates, LLC, Neal Communities of Southwest Florida, LLC, and Richard and Melanie Knowles
PROPOSED ZONING:	None
EXISTING ZONING:	PDR/CH/NCO (Planned Development Residential/Coastal High Hazard Area/North Central Overlay District) - 249.17± acres
PROPOSED REQUEST:	<p>Revise Preliminary Site Plan to:</p> <ol style="list-style-type: none"> 1. Increase the number of single-family residential lots from 257 to 326 (69 additional lots), 2. Modify the overall gross density from 1.03 dwelling units per acres to 1.31 dwelling units per acre, 3. Modify Phase 1 lot sizes from 80’ wide to a minimum of 52’ and modify the front and side yard setbacks; 4. Relocate existing recreational amenities in Phase 2; and 5. Change existing stipulations to reflect the above, update departmental references, and reflect current standards.
CASE MANAGER:	Lisa Barrett, Planning Manager
STAFF RECOMMENDATION:	APPROVAL W/ STAFF RECOMMENDED STIPULATIONS
DETAILED DISCUSSION	
<u>HISTORY</u>	
<p>River’s Reach was originally approved on January 25th, 2005 and was known as Water’s Edge. The site was rezoned from A (General Agriculture, 1 dwelling unit per five acres),</p>	

A/CH (Agriculture, 1 dwelling unit per five acres/Coastal High Hazard), A-1 (Suburban Agricultural, 1 dwelling unit per acre), and A-1/CH (Suburban Agricultural, 1 dwelling unit per acre/Coastal High Hazard) to PDR and PDR/CH (Planned Development Residential) retaining the CH (Coastal High Hazard) Overlay with a Preliminary Site Plan for a 257 single-family lot subdivision to be built in three phases.

When originally approved in 2005, the NCO (North Central Overlay) District was not yet established.

A Final Site Plan for all three phases was approved on January 17, 2006. Phases 1 and 2 were platted as originally approved per the Preliminary and Final Site Plans on October 26th, 2007 and June 22, 2007, respectively. Phase 1, Revised was re-platted to one common tract and approved on October 9th, 2009. Phase 3 has not yet been platted. If this request is approved, new Final Site Plan/Construction Plans and plat for Phases 1 and 3 will be required. If the change to the recreation area (relocation of recreation amenities) for Phase 2 is approved, that portion of Phase 2 would need a revised Final Site Plan.

REQUEST

The primary change is to Phase 1. The applicant requests to increase the number of lots in Phase 1 by 69 (128 to 197 lots in Ph 1/ 257 to 326 lots overall). No change is proposed to Phase 3.

In conjunction with the increase in lots in Phase 1, the applicant proposes to decrease the lot width from 80’ and 100’ (100’ along North Rye Road) to a minimum width of 52’. The front and side setbacks are also requested to be reduced from 25’ to 23’ for front yard setbacks and 7.5’ to 6’ for side yard setbacks. The rear yard setback is to remain at 15’.

Within Phase 2 are approximately 15 existing homes. The majority of the changes impact Phase 1; however the applicant does propose to relocate a canoe launch and sand volleyball court and reduce the length of a nature trail in Phase 2. Overall this may benefit most of the residents as the amenities will be closer; however, it could potentially cause a negative impact to those homeowners closest to the newly positioned canoe launch and volleyball court.

The residents of Phase 2 bought into the subdivision with an understanding of what to expect. Although the applicant is not changing the recreational acreage and open space, the amenities are proposed to be relocated. In addition, the nature trail is being reduced in size.

Below is a table comparing the previously approved Preliminary Site Plan with the Proposed Preliminary Site Plan:

SITE DESIGN DETAILS - COMPARISON TABLE

Project Design	Previous Preliminary Site Plan	Proposed Preliminary Site Plan
Units	257 single-family detached	326 single-family detached
Lot Size	<p><u>Phase 1</u> 80' x 135' wide lots (10,800 sq. ft.) 100' wide perimeter lots along Rye Rd.</p> <p><u>Phases 2 and 3</u> 80' x 135' lots (10,800 sq. ft.)</p>	<p><u>Phase 1</u> 52' wide lots (7,020 sq. ft.)</p> <p><u>Phases 2 and 3</u> 80' x 135' lots (10,800 sq. ft.)</p>
Setbacks	<p><u>Phase 1</u> Front – 25' Side – 7.5' Rear – 15'</p> <p>Waterfront – 30' Wetland buffers – 15'</p> <p><u>Phases 2 and 3</u> Front – 25' Side – 7.5' Rear – 15'</p> <p>Waterfront – 30' Wetland buffers – 15'</p>	<p><u>Phase 1</u> Front – 23' Side – 6' Rear – 15'</p> <p>Waterfront – 30' Wetland buffers – 15'</p> <p><u>Phases 2 and 3</u> Front – 25' Side – 7.5' Rear – 15'</p> <p>Waterfront – 30' Wetland buffers – 15'</p>
Height	35' maximum, except homes on all perimeter lots along Rye Rd. restricted to one story and a maximum height of 22'	35' maximum for all lots
Gross Density	1.03	1.31
Net Density	1.39	1.80
Open Space	49% (122.12 acres)	49% (122.12 acres)
Recreation Acreage	7.00 acres	7.00 acres
Recreation Amenities	<p>Clubhouse w/pool Tot lot w/play equipment Canoe rack/launch area Sand volley ball court Nature trails</p>	<p>Clubhouse w/ pool constructed and will remain.</p> <p>Relocate canoe launch and volley ball court in Phase 2 and relocate tot lot from Phase 2 to Phase 1.</p> <p>Reduce nature trail in Phase 2.</p> <p>Phase 1 adding a tot lot and expanding nature trail.</p>

Access	Boulevard Entrance off of N Rye Rd., two inter-neighborhood connections, and one emergency access	Change emergency access to emergency access plus egress access for residents
Wetland Acreage	42.16 ± acres	42.16 ± acres
Wetland Impact	0.46 ± acres – limited to roadway crossings, a historic impact, and a minor encroachment into a highly degraded remnant wetland	No change proposed by applicant.
Perimeter buffers	20' greenbelt buffers	20' greenbelt buffers
Roadway buffers	30' roadway buffer along N Rye Rd.	30' roadway buffer along N Rye Rd.

The applicant and staff met with some of the residents of Phase 2. Some of the residents voiced concerns with the proposed changes as the design is now no longer what they bought into; the proposed lots in Phase 1 are now much smaller than the existing platted lots in Phase 2. They also expressed concerns regarding increase in density, introduction of smaller lots and smaller homes, changes to CDD fees, and potential changes requested in the future to re-plat Phase 2 to introduce smaller lots.

Staff had the same concerns as those raised by the residents. In addition, staff was concerned that the number of lots were increasing with only one access proposed. An emergency access was originally approved in Phase 1. Based on staff and the resident's concerns, the applicant revised the access to emergency only and added a provision to allow egress for the residents. The applicant did not want to revise the access to a full opening (i.e., allowing ingress and egress). By allowing the residents to exit the access, potential traffic congestion at the main boulevard entrance to the north will be alleviated.

Staff also had a concern that the number of lots is being increased in the CPA (Coastal Planning Area) and CEA (Coastal Evacuation Area). However, based on the new Hurricane Evacuation Maps the site will no longer be in the CEA and CPA. The Evacuation Zone for the site will go from Evacuation Zone A to Evacuation Zone D and E when the new maps become effective.

Although the number of lots is increasing, a significant amount of open space is still being provided. Phase 1 is separated from Phase 2 by Goddard Creek and is accessed separately from Phase 2. Also, a 30-foot wide landscaped roadway buffer, with three rows of trees and a hedge, is provided along North Rye Road. Therefore, staff's concerns regarding compatibility are minimal. However, staff has some concern with the proposed changes, especially those to Phase 2 as there are existing residents who bought into the subdivision with certain expectations as portions of the subdivision were already platted.

SITE CHARACTERISTICS AND SURROUNDING AREA	
ADDRESS:	1605 North Rye Road
GENERAL LOCATION:	North of the Manatee River on the west side of North Rye Road, in Parrish
ACREAGE:	249.17 ± acres
EXISTING USE(S):	Residential (Phase 2 platted) and Agriculture
FUTURE LAND USE CATEGORY(S):	UF-3 (Urban Fringe/3 dwelling units per acre)
DENSITY:	1.31 du/ac gross – 1.80 du/ac net
SPECIAL APPROVAL(S):	For a project: 1) Within the Coastal Evacuation Area Overlay District; 2) Adjacent to a perennial stream; 3) Partially within the Coastal High Hazard Area; and 4) Exceeding 1 dwelling unit per acre in the UF-3 Future Land Use Category.
OVERLAY DISTRICT(S):	CH (Coastal High Hazard Area) NCO (North Central Overlay District)
SPECIFIC APPROVAL(S):	1) Two means of access (LDC Section 712.2.8) 2) Replacement trees (LDC Section 714.8) 3) Roadway buffer in NCO (LDC Section 604.10.3.5)
SURROUNDING USES & ZONING	
NORTH	Vacant property zoned PDR (prior approval of River Chase Subdivision – PSP recently expired)
SOUTH	Across the Manatee River is property zoned A (General Agriculture/ 1 du per 5 acres) and A-1 (Suburban Agriculture/1 du per acre) with single-family homes and agriculture uses (pasture)
EAST	Across North Rye Road is vacant property and pasture land zoned A
WEST	Is vacant land and a single-family home zoned PDR and vacant property zoned A

ENVIRONMENTAL INFORMATION

Overall Wetland Acreage:	42.20 ± acres
Proposed Impact Acreage:	No new impacts proposed. Prior approval granted 0.46 acres of wetland impacts. The impacts were limited to roadway crossings, a historic impact, and a minor encroachment into a highly degraded remnant wetland for a stormwater system. To compensate for the impacts, a portion of a 5.9 upland preservation area was utilized for mitigation.

NEARBY DEVELOPMENT

RESIDENTIAL

PROJECT	LOTS / UNITS	DENSITY	FLUC	YEAR APPROVED
River Mist	350	1.73	UF-3	Pending
Wilderness Crossing	68	1.82	UF-3	2011
Canoe Creek	896	2.94	UF-3	2010
Rye Wilderness Estates II-V	298	0.87	UF-3	2004
River Chase	231	0.54	UF-3	2002
Twin Rivers II	400	0.93	UF-3	2002
Twin River	550	0.48	UF-3	2000
Foxbrook	301	0.32	AGR & UF-3	1998

POSITIVE ASPECTS

- **PDR zoning allows the Board to stipulate development to ensure compatibility.**
- **49% open space will be maintained with the redesign.**
- **7 acres of recreation area will be maintained with the redesign.**

NEGATIVE ASPECTS

- Increasing the number of lots within the Coastal Evacuation Area (CEA) and Coastal Planning Area (CPA) based on the 2009 evacuation maps.
- Smaller and more lots proposed along North Rye Road, in an area surrounded by A and A-1 zoning.
- The applicant is relocating existing amenities and decreasing the length of an existing nature trail in Phase 2.

MITIGATING MEASURES

- Once the 2010 Regional Hurricane Evacuation Maps are adopted into the Comprehensive Plan (late 2011), the parcel will no longer be in the CEA and CPA.
- A 30' wide buffer with three rows of trees will buffer the homes from North Rye Road and the surrounding area.
- Goddard Creek provides a buffer from Phase 1.
- Staff recommends a revised stipulation (A.4) requiring the recreational amenities be constructed in substantial compliance with a graphic submitted into the record and attached to PDR-04-01(P)(R) as an exhibit.

STAFF RECOMMENDED STIPULATIONS

****Revisions to Ordinance PDR-04-01(Z)(P) shown in strike-thru/underline format.****

STIPULATIONS

A. DESIGN AND LAND USE CONDITIONS:

1. The 30 foot roadway buffer along North Rye Road shall be planted with three rows of trees (first row planted with understory trees, second row planted with canopy trees, and the third row planted with understory trees) spaced 40 feet on center, with 33 shrubs per 100 linear foot. The buffer shall be installed for the entire Rye Road frontage prior to the approval of a record plat for the 100th dwelling unit in Phase 1. The Natural Resources Division (NRD) Environmental Planning Division (EPD) of the Planning Building and Development Services Department shall review the design with the Final Site Plan, if found appropriate by NRD, the type or quantity of trees may be revised.
2. The greenbelt buffers shall be a minimum of 20 feet wide.

3. Unless otherwise approved by ~~NRD~~Environmental Planning Division, at time of Final Site Plan approval, existing native vegetation shall be preserved to meet screening requirements.
4. Recreational acreage must total a minimum of 7 acres as shown on the PSP. Recreational amenities shall include a tot lot, sand volleyball court, canoe/kayak launch, and nature trail. All recreational amenities shall be located outside of the floodway with the exception of the nature trail, sand volleyball court, playground equipment, and canoe/kayak launch. ~~Gazebos or structures shall be prohibited.~~ Final locations shall be depicted on the Final Site Plan and shall be approved by the Planning Building and Development Services Department prior to Final Site Plan approval. A revised Final Site Plan shall be submitted for the relocated recreational amenities in Phase 2. The recreational amenities shall be constructed in substantial compliance with the graphic attached hereto as Exhibit B.
5. The tot lot shall ~~shall~~ may contain commercial grade playground equipment, a minimum of two benches, bicycle rack, and 5 canopy trees (existing trees may be utilized to fulfill this requirement). All amenities shall be depicted on the Final Site Plan.
6. A fence with a gate for access, meeting the requirements of LDC Section 715.3.2.c.2, shall be installed around the cemetery. This shall be depicted on the Final Site Plan and installed prior to Final Subdivision Plat approval for Phase I.
7. Pedestrian and equestrian trail facilities shall be provided along Rye Road for the length of the project. The type of construction and construction details shall be determined at time of Final Site Plan.
8. The Notice to Buyers shall be included in the Declaration of Covenants and Restrictions, and in separate addendum to the Sales Contract, and in the Final Site Plan, and shall include language informing prospective homeowners of the presence of inter-neighborhood ties along the north and west property lines extending into the River Chase Subdivision, and that traffic from the surrounding properties, when developed, may use the roads within this development, and that the southern-most access onto North Rye Road shall be utilized as an exit for the residents of River's Reach and for emergency purposes only. The access is not proposed as an entrance point.
9. The Notice to Buyers shall be included in the Declaration of Covenants and Restrictions, and in a separate addendum to the Sales Contract, and in the Final Site Plan, and shall include language informing prospective homeowners of the presence of neighboring agricultural uses, which may possibly include pesticides and herbicides and may have odors and noises associated with such uses.
10. ~~Perimeter lots shall be a minimum width of 80', except for Lots 232-238, 239-240, and 251-255 which shall have minimum lot width of 100'.~~

- ~~44-10.~~ No lots shall be platted through any greenbelt, landscape buffer, retention pond, wetland, or wetland buffer, except for Phase 2 Lots 105, 106, and Phase 3 Estate Lot 165 as shown on the Preliminary Site Plan.
- ~~42- 11.~~ No detention or retention ponds shall be constructed within the landscape buffers or greenbelts.
- ~~43.~~ ~~The design and shielding of any on-site lighting for common areas shall comply with Section 709.2.2 of the LDC. In addition, pole and building mounted lights shall be limited to 16' in height and directed to the interior of the development using horizontal cut-off fixtures. Use of decorative street lights or house lights may be permitted. A lighting plan, showing the detail of the proposed lighting shall be submitted for review and approval by the Planning Department with the Final Site Plan.~~
- ~~44-12.~~ If a fence is utilized for any of the landscape buffers, all required landscaping shall be planted on the exterior side of the fence.
- ~~45-13.~~ All buildings on perimeter lots along North Rye Road shall be constructed in accordance with the North Central Overlay District as outlined in the Land Development Code. be restricted to one story and a maximum height of 22', as building height is defined in the Land Development Code. Any pool cages or other screened cages along North Rye Road shall not exceed the height of the home and shall utilize materials of a dark color such as black or bronze. This condition shall be reflected in the covenants and restrictions for the subdivision.
- ~~46-14.~~ All trees removed as a result of the floodplain compensation lake on Phase 2 Lots 105 and 106 shall be replaced pursuant to Section 714 of the LDC.
- ~~47- 15.~~ The parking lot for the recreation area and the nature trail shall be on common property, outside of any lot. The location shall be reviewed and approved by the Planning Department with the Final Site Plan.
- ~~48- 16.~~ Phase 2 Lots 105 and 106 shall meet the minimum lot widths at the street lot line and the 120' minimum building setback line. This requirement shall be reviewed and verified by the Planning Building and Development Services Department prior to Final Site Plan approval.
- ~~17.~~ A 23' front yard setback shall be permitted for the front loaded garages in Phase 1 so long as a minimum 2' grass strip is provided between the lot line and the 5' sidewalk (see attached Exhibit C).
- ~~18.~~ The southern-most access on North Rye Road shall be utilized as an exit for the residents of Rivers Reach as well as for emergency purposes. The final design of the access point shall be reviewed and approved with the Final Site Plan. The access shall be constructed in compliance with Manatee County Standards, installed, at a minimum, an asphaltic concrete surface course of 1-3/4" thickness, a 6" base and a 6"

sub-base, with two 12' travel lanes prior to the approval of a record plat for the 100th dwelling unit in Phase 1. The gates shall swing or slide so as not to intrude on the adjacent lots.

19. A minimum 10' wide pedestrian easement shall be recorded on those lots where the nature trail is proposed.

B. ENVIRONMENTAL CONDITIONS:

1. Prior to Final Subdivision Plat approval, a Conservation Easement for the areas defined as post-development jurisdictional wetlands, wetland buffers, and upland preservation areas shall be dedicated to the County in accordance with LDC Section 719.11.1.3.
2. Minimum 50' wetland buffers shall be provided adjacent to the Manatee River. Areas with existing improvements within the required 50' wetland buffer shall provide wetland buffers where available and the remaining balance shall be compensated at a 1:1 ratio.
3. Boardwalks and nature trails located within wetlands or wetland buffers shall be consistent with Section 719 of the Manatee County Land Development Code. Nature trails and boardwalks located in other areas where native vegetation is to remain shall be designed in a manner that minimizes impacts to trees or areas of significant vegetation. The location of the proposed boardwalks shall be flagged in the field and approved by the SWFWMD and ~~NRD~~ of the Building and Development Services Planning Department prior to Final Site Plan approval.
4. The site shall be re-evaluated for the presence of listed species prior to Final Site Plan approval.
5. The developer shall provide a copy of the approved SWFWMD permit prior to Final Site Plan approval.
6. Tree barricades for trees to be preserved shall be located at the drip line unless otherwise approved by ~~NRD~~ of the Building and Development Services Planning Department. The drip line shall be defined as the outer branch edge of the tree canopy. The area within the tree barricades shall remain undisturbed. The following activities are prohibited within the barricades of preserved trees: machinery and vehicle travel or parking; underground utilities; filling or excavation and storage of construction materials. The tree protection barricades shall consist of chain link fence (new or used) with a minimum 5' height or other material as approved by ~~NRD~~ of the Planning-Building and Development Services Department.
7. An Integrated Pest Management Plan (IPM) for the application of fertilizers, pesticides and herbicides shall be submitted to the ~~NRD~~ EPD or review and approval prior to Final Site Plan approval. Where practicable, native, xeriscape landscape materials shall be utilized in common areas. In addition the developer shall encourage individual homeowner's to participate in the Florida Yards and Neighborhood Program by

disseminating program information to individual lot owners.

8. A Well Management Plan shall be submitted to the ~~EMD~~ NRD for review and approval prior to Final Site Plan approval. If applicable, a copy of all WUPs shall be submitted with the Well Management Plan.
9. A Construction Water Quality Monitoring Program and proposed sampling locations shall be submitted to the ~~EMD~~ NRD with the Erosion and Sediment Control Plan required for this project.
10. Prior to Final Site Plan approval, the entire site shall be evaluated for potential hazardous material locations (i.e., historical cattle dipping vats, underground/aboveground storage tanks, or buried drums), by a qualified environmental consultant. Should evidence of contamination be discovered, further investigation will be required to determine the level of contamination and appropriate remediation/mitigative measures.
11. Prior to development-related land clearing activities (including exotic plant and citrus removal), ~~the NRD of the Building and Development Services Planning Department~~ shall be notified and all applicable County approvals must be obtained.
12. If burning of trees or branches is required for land clearing, a burn permit must first be first obtained from NRD the Environmental Management Department. ~~No burn permits will be issued until Final Site Plans and Construction Plans are approved.~~
13. No lots, except for Phase 2 Lots 105, 106, and Phase 3 Estate Lot 165 (as shown on the Preliminary Site Plan) which contain existing structures, shall be platted through wetlands or wetland buffers. No docks, with the exception of the canoe/kayak launch, shall be permitted.

14. Street Trees

- a. Canopy trees within 10' of a public sidewalk shall meet Manatee County Public Works Standard Section 301.0 and Exhibit 301.1 entitled "Sidewalk Location Close to Trees". All sidewalks on the right of way within 10' of an existing or proposed tree that will exceed 6" in diameter at maturity shall be 5" thick and contain 2-#3 rebar centered vertically and spaced 3' on center. Palms are not considered trees.
- b. If within ten (10') ft. of the tree trunk, potable water service lines shall have 48 inches of cover from top of pipe from the meter to the home connection; or, as an alternative, the water line may be installed at 18 inches with a polyethylene service pipe conforming with AWWA C-901.
- c. Where within ten (10') ft. of the tree trunk, irrigation service lines from the street shall have 48 inches of cover from top of pipe to valve, or, as an alternative, the

irrigation line may be installed at 18 inches with a polyethylene service pipe conforming with AWWA C-901. Irrigation valves shall be located as far as possible from the regulated street tree location to minimize impacts to this infrastructure.

- d. Since “understory” trees are not being utilized, the Notice to Buyers and the Homeowners documents or Deed restrictions governing the development shall state that the maintenance of street trees shall be the responsibility of the property owner, including, without limitation, proper root pruning to avoid interference of the tree’s roots with sidewalks, utilities, foundations or other improvements constructed on the lots due to the natural growth of street trees.

C. FLOODPLAIN MANAGEMENT AND DRAINAGE CONDITIONS:

1. No lots shall be platted through the pre-development 25-year floodplain or the regulatory floodway. The area south of the floodway shall be dedicated to the County as a conservation easement. This area may be used for passive recreation. A conservation easement in a form acceptable to the County Attorney’s Office shall be submitted for review and approval prior to Final Plat approval. The Final Site Plan shall reflect the relocation of the proposed lots in the pre-development 25-year floodplain to an area outside of the pre-development 25-year floodplain. These revisions may include shifting of the lots to maintain a maximum of 1.031 dwelling units per acre, and any necessary changes to roadways, which do not affect the external access points. These revisions may be made administratively and will not require an amendment to the Preliminary Site Plan. No floodplain compensation areas shall be located within the FEMA floodway.

The existing single-family homes and accessory structures on Phase 2 Lots 105, 106, and Phase 3 Estate Lot 165 shall be exempt from this requirement.

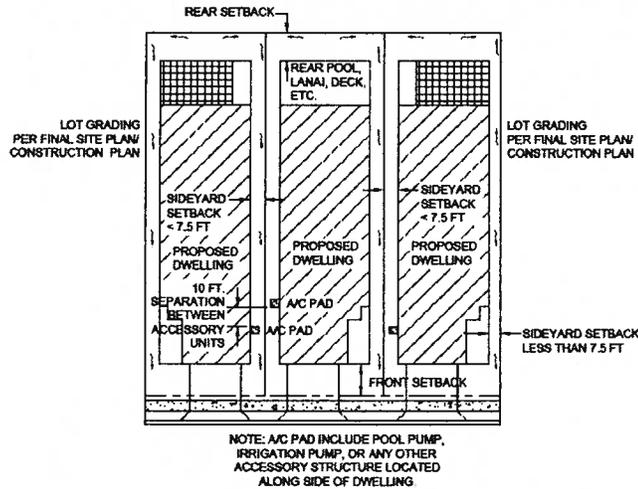
2. Final engineering drainage design must be approved prior to Final Site Plan approval, including the following:
 - a.) A no-rise permit will be required for all encroachment within the FEMA 100-year floodway of the Manatee River. Any existing or proposed structures within the floodway shall be modeled.
 - b.) Any fill within the 25-year or 100-year floodplains of the Manatee River shall be compensated by the creation of an equal or greater storage volume above seasonal high water table.
 - c.) There shall be a full 25-year attenuation on all stormwater ponds within the development.
 - d.) The tailwater condition for Manatee River shall be based on existing 25-year floodplain map and any other available recent study information on the river at

the project site as approved by Manatee County Stormwater Division.

3. The Drainage Model and Construction Plans shall demonstrate that no adverse impacts will be created to neighboring residents surrounding the site in respect to drainage routing, grading, and site runoff.
4. A Drainage Easement shall be dedicated to Manatee County and be shown on the Final Site Plan and Final Plats along Goddard Creek within the project boundaries. In addition, a 25 foot wide Drainage Maintenance and Access Easement shall be dedicated on at least one side of Goddard Creek. The developer shall include in the Notice to Buyers that Manatee County has no obligation relative to Goddard Creek to maintain, change, improve, clean, repair erosion, or restore the natural changes in the course of the stream bed.
5. The following information shall be included within the Notice to Buyers: “Please be advised that the banks of the Manatee River are prone to severe erosion and washouts. Manatee County will not be responsible for any property damage caused by severe rain events and will not be responsible for repairing erosion or washouts caused by such events.”
6. All paths and recreation areas within the floodway shall not be constructed utilizing loose materials or collapsible structures. The type of material will be approved by NRD EPD and the Stormwater Management Division prior to Final Site Plan approval.
7. Any roadway construction within the 100-year floodplain shall be elevated above the 100-year contour elevation.
8. All waste water manhole rims, service clean-outs, lift station wet well and valve rims, service clean-outs, lift station wet well and valve vault covers shall be set 12 inches above the 25-year floodplain or 4 inches above the 100-year flood elevation, whichever is higher. However, the Project Management Department may approve service cleanouts and manhole rims installed no lower than 4” above the 25-year flood elevation. Design drawings must demonstrate tamper proof water tight manholes and cleanouts. Lift stations hatches shall be at least 4” above the 100-year elevation or 12” above the 25-year flood elevation, whichever is greater.
9. Phase 2 Lots 105 and 106 shall be accessed via a private driveway in accordance with the drawings submitted into the record. The private driveway shall be constructed of a stabilized dust-free surface, and all driveway entrances shall comply with spacing limitation and criteria of the Land Development Code. A Notice to Buyer shall be recorded for Phase 2 Lots 105 and 106 confirming a restrictive covenant which precludes utilization of the floodplain compensation lake in any manner inconsistent with agency permits or requirements of Manatee County. At its option, enforcement of such restrictive covenant may be pursued by Manatee County, and the Notice to Buyer and homeowner’s association documents will confirm such restrictive covenant and enforcement rights.

In addition to the above, a conservation easement, in a form acceptable to the County Attorney's Office, shall be provided to the County prior to Final Plat approvals for any floodplain compensation areas on non-common property. The easement shall prohibit the alteration of these floodplain compensation areas.

10. Floodplain compensation shall be provided in sole-use compensation areas.
11. The 100-year floodplain and floodway lines on this property shall be certified by a registered land surveyor prior to Final Site Plan Approval.
12. There shall be a minimum of ten (10) foot separation between accessory equipment and structures alongside adjoining houses with a 6 foot side yard setback.



D. INFRASTRUCTURE CONDITIONS:

1. The applicant shall be responsible for bringing County water and sewer to the site, including Phase 2 Lots 105 and 106. This approval is contingent upon the site being served by public utilities.
- ~~2. The lowest quality water possible shall be used for irrigation. In ground irrigation using Manatee County public potable water supply shall be prohibited, including on individual lots.~~
- ~~3-2.~~ 2. The applicant shall install dry lines for hook-up to future reuse lines and shall be provided for the entire subdivision, for both common area irrigation and single lot irrigation. At such time that reclaimed lines become available, use of stormwater or groundwater for irrigation shall be converted to reclaimed lines.
- ~~4.~~ 4. The Engineer of Record/Architect must provide documentation to prove that concurrency has been met relative to fire flow per Section 9.6.1.4 of the Comprehensive Plan.

~~5. Fire hydrants are required to be located within 400' of the entrance to any building and space no more than 800' apart. This shall be reviewed and approved with the Final Site Plan.~~

~~6. The Final Site Plan shall show the required access to all lift stations per Manatee County Utility Standards US-23.~~

E. PUBLIC SAFETY AND TRANSPORTATION CONDITIONS:

1. The Notice to Buyers shall be included in the Declaration of Covenants and Restrictions, and in a separate addendum to the Sales Contract, and in the Final Site Plan, and shall include language informing prospective homeowners in the project of the Hurricane Evacuation Plan approved by the Public Safety Department for this project.

2. Notices to Buyers shall be included in the Declaration of Covenants and Restrictions, and in a separate addendum to the Sales Contract, and in the Final Site Plan, and shall include language to informing prospective homeowners in the project that this project is downstream of the Lake Manatee Dam, and that the dam is not designed or intended to be operated as a flood control device. Manatee County routinely releases water from the reservoir in anticipation of and during heavy rain events. In the worst case scenario, waters released from the dam, when combined with waters from storm events, may exceed the mapped 25-year and 100-year floodplains. This project has been designed to account for the 100-year storm event. In the worst case scenario, your property, similar to other properties in Manatee County, may flood.

3. If at time of Final Subdivision Plat approval, the River Chase Subdivision [PDR-01-09(P)(R)] to the west is not revised by the Board of County Commissioners to require the western inter-neighborhood tie, this inter-neighborhood tie will not be required of River's Reach (fka:Water's Edge).

~~4. Street names shall be prohibited unless otherwise approved by the Board of County Commissioners.~~

~~5. Street signs shall be off set and not parallel to each other. This shall be reviewed by Public Safety and Transportation Departments prior to Construction Plan approval.~~

~~6. Any gates or emergency access points within or to the project shall be accessible to emergency service providers by either a remote control or siren activated system in accordance with Manatee County Government, Emergency Medical Services Ordinance 04-30. Prior to Final Site Plan approval, the applicant shall receive written approval from EMS and the Fire Marshall approving the proposed system.~~

REMAINING ISSUES OF CONCERN – NOT RESOLVED OR STIPULATED			
None			

COMPLIANCE WITH LDC				
Standard(s) Required	Design Proposal	Compliance		Comments
		Y	N	
BUFFERS				
50’ roadway buffer, North Rye Road	30’ provided		N	Specific Approval to NCO 50’ buffer requested
20’ perimeter buffer	Shown	Y		
Buffer landscaping	Shown	Y		To be verified with FSP
SIDEWALKS				
5’ internal sidewalks	Shown	Y		
5’ sidewalk, exterior	Shown	Y		
ROADS & RIGHTS-OF-WAY				
50’ internal rights-of-way	Shown	Y		Streets will be maintained by homeowners association or CDD
24’ paved roadways	Shown	Y		
Dedicate 0’ ROW along North Rye Road	Shown	Y		
Inter-neighborhood Ties	Shown	Y		One to west and one to north

COMPLIANCE WITH THE LAND DEVELOPMENT CODE
Factors for Reviewing Proposed Site Plans (Section 508.6)
Planned Districts - Rezone Review Criteria (Section 603.4)

Physical Characteristics:
 The subject site is unique in that it lies adjacent to the Manatee River. The site also enjoys over 1.5 miles of North Rye Road frontage. The project has been partially developed; however, the entire site has been the subject of engineering design and permitting. Therefore, it can be considered suitable for development.

The site design takes into consideration its adjacency to the Manatee River, wetland systems, and floodplains associated with the river. The site design has clustered the lots away from those areas while proposing the remaining areas as open space and recreational amenities.

Public Utilities, Facilities and Services:

The subject site will take access via North Rye Road. Additional right-of-way was previously dedicated with the platting of Phase 2 of this project. No further right-of-way is required. Inter-neighborhood ties have been constructed to the west and north.

The project will connect to the county's central water and sewer system, which are currently planned for expansion to serve both Twin Rivers II and the River Chase Development. On-site lift station(s) will be required to pump wastewater along Rye Road north to Golf Course Road and westerly along Golf Course Road to the existing 12-inch force main at the Twin Rivers' entrance road. The total force main length will be approximately three miles. The proposed development may tie directly into the existing 30-inch water transmission main on Rye Road to provide a water supply for the development.

Manatee County installed a 30-inch diameter reclaimed water main as part of its MARS (Manatee Agricultural Reuse System) project. The 30" MARS line has been installed along North Rye Road. River's Reach Phase II is connected via an 8" master meter. The reclaimed within Phase II is privately owned and maintained.

The School Board has provided a letter stating there is school capacity to accommodate the proposed increase in residential lots.

Major Transportation Facilities:

The subject site will take access via Rye Road. Additional right-of-way has already been provided for a portion of the frontage with an earlier phase of the project. No further right-of-way is required.

Inter-neighborhood ties are provided to the north and west project boundaries.

The "emergency only" access to North Rye Road to the south is being amended to also allow the residents to exit the site. This will limit congestion at the main entrance.

Compatibility:

The subject site was originally approved in 2005 based on a determination that it was compatible with the existing development pattern and zoning of nearby properties, which includes many new or proposed Planned Development projects. These developments carry a wide range of densities, lots sizes, and dimensional criteria. This request is to increase the approved density of 1.03 to 1.31 dus/acre by adding 69 single family lots to Phase 1 of the project. These lot sizes and density are compatible with the existing and proposed development pattern in the area as no lots will front on Rye Road, and a meandering minimum 30 foot landscape roadway buffer, planted with native species and interspersed with lakes and wetlands is proposed along Rye Road. In fact, only a small portion of the proposed lots back directly onto the 30 foot buffer and North Rye Road. Phase 1 is also separated from Phase 2 by Goddard Creek which is heavily wooded.

The development is consistent with the Comprehensive Plan future land use designation for the site (UF-3), which limits the options for development in this location to low and moderate

density residential development.

Transitions:

The proposed amendment to this site plan remains consistent with the development trends in the area, which has been transitioning from rural to a more urban environment. The development is consistent with the Comprehensive Plan future land use designation for the site (UF-3), which limits the options for development in this location to low and moderate density residential development.

Again, the smaller lots will be adequately separated from Phase 2, which contains larger lots, and from North Rye Road with a 30' wide buffer planted with three rows of trees and a hedge. The tracts of undeveloped lands to the north and east zoned PDR, A-1, and A will be adequately buffered.

Design Quality:

The project is designed with two distinct neighborhoods each with a looped street system. Phase 2 has been constructed on the western portion of the project. It takes access via a boulevard street connecting to Rye Road. Phases 1 and 3 remain undeveloped but will take access off the same boulevard entry. Each phase is clustered to preserve the Manatee River frontage and respect the wetland systems and floodplains associated with the River. Due to the preservation of upland areas adjacent to the river corridor, a significant trail system has been created providing for pedestrian access to the riverfront recreational areas and connecting across Goddard Creek.

Adjacent Property:

Adjacent properties have been approved for residential development and are in varying stages of that development; however, minimal development has taken place at this time. The project maintains a 30 foot landscape buffer along North Rye Road which is interspersed with lakes and wetland systems to buffer the residential lots from North Rye Road and the surrounding properties.

Access:

Primary access to the site is via Rye Road, a two-lane paved major arterial. Inter-neighborhood ties into River Chase to the north and west are constructed from the existing boulevard entrance road. The southern-most access to North Rye Road is being revised from emergency only to also allow residents to exit the subdivision. This will alleviate potential congestion at the main entrance.

An active recreational area is planned adjacent to the River, providing for a canoe/kayak launch as water access. The location of the canoe launch has shifted north, but the Phase 2 community will have the same amount of acreage of common open space along the river as when they purchased property in the subdivision.

Streets, Drives, Parking and Service Areas:

All streets will meet the requirements of the Land Development Code. The internal roads are proposed to be maintained by a homeowner's association or by CDD. There are no other

unconstructed parking and service areas proposed.

Pedestrian Systems:

Sidewalks are proposed on both sides of the local streets internal to the project and on Rye Road. Due to the preservation of upland areas adjacent to the river corridor, a significant trail system has been created providing for pedestrian access to the riverfront recreational areas and connecting across Goddard Creek.

Natural and Historic Features, Conservation and Preservation Areas:

A historic cemetery with a single grave marker (Iberoff, died 1883) is located within the project boundary. The project includes fencing to preserve and protect this historical grave marker.

The project design, providing for central sewer and water, preservation of the riverine and creek corridors including adjacent wetlands and upland areas, and a stormwater management system meeting the current standards of the County and SWFWMD will provide superior protection of the environment over the existing as well as the historic use of the property for agricultural operations.

Density/Intensity:

The site lies within the UF-3 future land use designation which allows for a potential maximum of 3 dwelling units per acre. The project proposes a density of 1.31 dwelling units per acre and is seeking Special Approval for a project that exceeds 1 dwelling unit per acre as required by the Comprehensive Plan and the Land Development Code.

Height:

The project proposes to meet the height limitations as outline in the North Central Overlay District and the Land Development Code.

Fences and Screening:

The proposed landscape buffer exceeds the requirements of the Land Development Code. The landscape buffer has been constructed with Phase 2 of the project for approximately 75% of the length of Rye Road. The buffer includes not only landscape materials but systems of meandered lake edges and wetlands.

Yards and Setbacks:

The project does propose to reduce the approved front yard setback from 25 ft. to 23 ft. with the stipulation that there must be 25 ft. of setback between the sidewalk and front face of the garage.

Trash and Utility Plant Screens:

Refuse will be collected through Manatee County's municipal service and no utility plants are proposed on-site.

Signs:

Project entranceway signage and directional signage will meet the requirements of the Land Development Code, including the North Central Overlay requirements.

Landscaping:

The proposed landscape buffer exceeds the requirements of the Land Development Code. The landscape buffer has been constructed with Phase 2 of the project for approximately 75% of the length of Rye Road. The buffer includes not only landscape materials by systems of meandered lake edges and wetlands.

Mixed Use or Entranceway Designation:

This project does not lie within a Mixed Use Future Land Use Category or within an Entranceway Designation.

Water Conservation:

The project has been designed in a manner to cluster the dwelling units in order to preserve wetland and upland preservation areas. Existing native plant communities will be utilized where possible. This design will provide for enhanced water conservation on-site by reducing the developed lands and thereby reducing the amount of water necessary to maintain the development.

Rights-of-Way:

Additional right-of-way has already been provided for a portion of the frontage with an earlier phase of the project. No further right-of-way is required.

Inter-neighborhood ties are being provided to the north and west project boundaries.

Utility Standards:

All utilities are proposed to meet the Manatee County Public Works Standards.

Stormwater Management:

Stormwater management will be conducted through stormwater lakes that will meet the requirements of SWFWMD and Manatee County.

Open Space:

The minimum open space required for this project is 25% (62.3 acres). The project proposes 122.12 acres or 49% of the site as open space in the form of wetland and upland preservation, floodplain areas, roadway buffers, lakes, trail systems and recreational areas. The project exceeds the requirements for open space.

COMPLIANCE WITH COMPREHENSIVE PLAN

The site is in the UF-3 Future Land Use Category. A list of Comprehensive Plan Policies applicable to this request is attached. This project was specifically reviewed for compliance with the following policies:

Policy 2.1.2.7 Appropriate Timing. The timing is appropriate given development trends in the area. The project originally received approval in 2005. The surrounding area is characterized by A and A-1 zoning. Further to the north is Twin Rivers Subdivision. River Chase

Subdivision was approved directly to the north of Rivers Reach, but the Preliminary Site Plan has since expired. It is anticipated that the area will continue to transition from a more rural character to a more suburban one as the economy improves.

Policy 2.2.1.12.1 Intent. This project complies with the intent of the UF-3 category, which is for development to follow a logical expansion of the urban environment, typically growing from west to east, consistent with the availability of services. The UF-3 category also anticipates low density or clustered low to moderate density residential. These designations allow residential uses. The proposed density (1.31 gross and 1.80 net) is slightly above the range of anticipated residential density in UF-3 FLUC, and Special Approval is required.

Policy 2.2.1.12.2 Range of Potential Uses. Single-family homes are in the range of potential uses within the UF-3 FLUC.

Policy 2.6.1.1 Compatibility. The Preliminary Site Plan design is compatible with surrounding development because the proposed use, single-family detached units are compatible with the surrounding area as designed. The smaller lots and setbacks are internal to the site and those on the perimeters of Phase 1 will be adequately buffered by Goddard Creek to the west and the 30' roadway buffer to the east.

Policy 2.6.2.7 Require Clustering to Limit Impacts. No new impacts are proposed with this request.

Policy 2.6.5.4 Preserve/Protect Open Space.
The site plan shows 49% open space (122.12 acres). 25% open space is required.

CONCURRENCY

CLOS APPLIED FOR: Y x N
 TRAFFIC STUDY REQ'D: Y x N

NEAREST ROADWAY	LINK(S)	ADOPTED LOS	EXISTING LOS
Rye Rd from CR 675 to SR 64	(Link 2920)	D	C

The Manatee County Building and Development Services, Transportation Planning Division, has reviewed the traffic study by Wilson Miller - Stantec, dated July, 2011, including subsequent supplemental information provided by Manatee County staff, for the above referenced project. Based upon the review and acceptance of the analysis, the Manatee County Transportation Planning Division is granting approval for the issuance of Transportation Concurrency for the addition of 69 dwelling units, which will increase the total number of single-family detached dwelling units for the project to 326. Of the 257 currently approved units, 124 are platted. Thus, this Transportation Impact Analysis evaluated the net increase of 202 dwelling units (133 remaining + 69 new). The

Applicant has addressed the Comprehensive Plan requirements and provided appropriate traffic analysis to substantiate the findings.

The traffic study for this development identified a site-related transportation improvement which will need to be shown on the applicable Construction Plans (the improvement must be labeled with dimensions) that will be submitted as part of the future permit applications/packages associated with the site-related improvement. In addition, this improvement shall be installed, certified, inspected and accepted, and consistent with the applicable Construction Plans, prior to issuance of the Final Plat for the 125th lot of the entire project.

The site-related transportation improvement identified in the traffic study involved a traffic operations and safety-related improvement that is expected to improve traffic flow into and out of the project site. This improvement is provided below.

- 1. Construct a southbound deceleration right-turn lane at Rye Road and Rivers Reach Blvd. The right-turn lane should be constructed in accordance with the FDOT Design Standard (Index 301).**

Please note that the traffic study did not identify any Transportation Concurrency related off-site improvements associated with the project.

In addition to the site-related transportation improvement, the Applicant also considered a scheduled /funded improvement in the traffic study. This improvement, which will be initiated by Manatee County, consisted of the construction of a 2- lane bridge from Upper Manatee River Road to Fort Hamer Road. However, since no project traffic was assigned to the new bridge, and thus, was not included in the study area, the inclusion of this facility did not affect the final results of the study.

The Applicant shall be responsible for ensuring that all development proceeds with the terms and conditions of Transportation Concurrency requirements for the site, including being subject to requirements in the LDC and the Comprehensive Plan.

Any off-site improvements required must be satisfied by either installation or mitigation alternatives acceptable by Manatee County Building and Development Services Department, Transportation Planning Division, such as an agreement requiring BOCC (Board of County Commissioners) approval.

Wastewater and potable water determined with FSP/Construction Plans

SPECIFIC APPROVALS – ANALYSES, RECOMMENDATIONS, FINDINGS

Applicant Request(s):

- 1. Alternative to LDC Section 604.10.3.5 – 50' wide roadway buffer for residential projects adjacent to designated Thoroughfare Roads within the North Central Overlay District.**

Staff Analysis and Recommendation

When originally approved, the NCO District was not yet established. To ensure compatibility and provide transitioning the Board approved a stipulation requiring a 30' wide roadway buffer along North Rye Road, planted with three rows of trees and a hedge. More than half of the roadway buffer was platted and installed with Phase 2. The 30' buffer with the three rows of trees should sufficiently buffer the project from the roadway and adjacent properties. In addition, due to the re-alignment of North Rye Road, there is now a greater distance between the pavement in the Rye Road right-of-way and the applicant's boundary line.

Staff recommends approval of the request.

Finding for Specific Approval

Notwithstanding the failure of this plan to comply with the requirements of LDC Section 604.10.3.5, the Board finds that the public purpose and intent of the LDC regulations are satisfied to an equivalent degree because the 30' buffer with the three rows of trees and hedge will meet the intent of the Code.

- 2. Alternative to LDC 712.2.8 which requires a second means of access for over 100 units.**

Staff Analysis and Recommendation

The LDC requires two means of access for projects exceeding 100 dwelling units. The original approval was for 257 dwelling units and was granted Specific Approval for an alternative by providing an emergency access point on to North Rye Road and a boulevard section for the main entrance road. One phase (Phase 2) has been constructed with the required boulevard.

The applicant proposes an increase of 69 dwelling units for a total of 326 units. After discussions with County staff regarding the increased dwelling units, the

applicant proposed a change in the character of the emergency access connection. The access will continue to allow both ingress/egress for emergency vehicles; however, the access connection to North Rye Road will now allow for egress use by the residents as well. This will allow an alternative option of egress for the residents, reducing possible congestion at the main entrance or access point.

Staff recommends a stipulation requiring the identification and use of the access point be described in the Notice to Buyers.

Finding for Specific Approval

Notwithstanding the failure of this plan to comply with the requirements of LDC Section 712.2.8, the Board finds that the public purpose and intent of the LDC regulations are satisfied to an equivalent degree access will be provided to emergency providers and an alternative exit will be available to the residents.

3. Alternative to LDC 714.8.7 – Replacement Trees.

Staff Analysis and Recommendation

The LDC requires replacement trees be sized at 3"/5"/7". However, County staff recommends that replacement trees be installed at smaller sizes of 3"/4"/4". The applicant concurs with the staff's recommendation due to the fact planting smaller trees will allow better performance for the new trees and will increase their survival rate.

Finding for Specific Approval

Notwithstanding the failure of this plan to comply with the requirements of LDC Section 714.8.7, the Board finds that the public purpose and intent of the LDC regulations are satisfied to an equivalent degree.

ATTACHMENTS

- 1. Applicable Comprehensive Plan Policies**
- 2. Request for Specific Approval**
- 3. Exhibits "B" & "C"**
- 5. Copy of Newspaper Advertising**

APPLICABLE COMP PLAN POLICIES

Policy: 2.1.2.7	Review all proposed development for compatibility and appropriate timing. This analysis shall include: <ul style="list-style-type: none">- consideration of existing development patterns,- types of land uses,- transition between land uses,- density and intensity of land uses,- natural features,- approved development in the area,- availability of adequate roadways,- adequate centralized water and sewer facilities,- other necessary infrastructure and services.- limiting urban sprawl- applicable specific area plans- (See also policies under Objs. 2.6.1 - 2.6.3)
Policy: 2.2.1.11	UF-3: Establish the Urban Fringe - 3 Dwelling Units/Gross Acre future land use category as follows:
Policy: 2.2.1.11.1	Intent: To identify, textually, in the Comprehensive Plan's goals, objectives, and policies, or graphically on the Future Land Use Map, areas limited to the urban fringe within which future growth (and growth beyond the long term planning period) is projected to occur at the appropriate time in a responsible manner. The development of these lands shall follow a logical expansion of the urban environment, typically growing from the west to the east, consistent with the availability of services. At a minimum, the nature, extent, location of development, and availability of services will be reviewed to ensure the transitioning of these lands is conducted consistent with the intent of this policy. These UF-3 areas are those which are established for a low density urban, or clustered low-moderate density urban, residential environment, generally developed through the planned unit development concept. Also, to provide for a complement of residential support uses normally utilized during the daily activities of residents of these low or low-moderate density urban environments.
Policy: 2.2.1.11.2	Range of Potential Uses (see Policies 2.1.2.3 - 2.1.2.7, 2.2.1.5): Suburban or urban density planned residential development with integrated residential support uses as part of such developments, neighborhood retail uses, short-term

		agricultural uses, agriculturally-compatible residential uses, farmworker housing, public or semi-public uses, schools, low intensity recreational uses, and appropriate water-dependent/water-related/water-enhanced uses (see also Objectives 4.2.1 and 2.10.4).
Policy:	2.2.1.11.3	Range of Potential Density/Intensity: Maximum Gross Residential Density: 3 dwelling units per acre Maximum Net Residential Density: 9 dwelling units per acre (except within the WO or CHHA Overlay Districts pursuant to Policies 2.3.1.5 and 4.3.1.5) Maximum Floor Area Ratio: 0.23 (0.35 for mini-warehouse uses only) Maximum Square Footage for Neighborhood Retail Uses: Medium (150,000sf)
Policy:	2.2.1.11.4	Other Information: a) All mixed and multiple-use projects require special approval, as defined herein, and as further defined in any land development regulations developed pursuant to § 163.3202, F.S. b) All projects for which gross residential density exceeds 1 dwelling unit per acre, or in which any net residential density exceeds 3 dwelling units per acre, shall require special approval. c) Any nonresidential project exceeding 30,000 square feet shall require special approval.
Policy:	2.2.2.4	CEA: Establish the Coastal Evacuation Area Overlay District as follows:
Policy:	2.2.2.4.1	Definition: The geographic area which lies within the evacuation area for a Category 1 hurricane as established by the Manatee County Emergency Management Division of the Public Safety Department in conjunction with the Tampa Bay Regional Planning Council, as updated on a periodic basis.

Policy: 2.2.2.4.2

Purpose:

- a) To limit population in the Category 1 hurricane evacuation area requiring evacuation during storm events.
- b) To limit the amount of infrastructure, both private and public, within the CEA Overlay District and thereby limit magnitude of public loss and involvement in mitigating for loss of private infrastructure to Manatee County residents.
- c) To, through exercise of the police power, increase the degree of protection to public and private property, and to protect the lives of residents within the CEA, and reduce the risk of exposing lives or property to storm damage.
- d) To accomplish shoreline stabilization along coastal areas by limiting development activity which may adversely impact shoreline stability.
- e) To protect coastal water quality by reducing impervious surface along coastal areas, thereby reducing the risk of incomplete treatment of stormwater runoff before discharge into coastal waters.
- f) To encourage, establish, and maintain vegetative and spatial buffer zones, in order to maintain the capacity of natural vegetative communities in mitigating the negative effects of storm surge and tidal velocity, and the erosive effect of wave action.

Policy: 2.2.2.4.3

Applicable Goals, Objectives, and Policies: Goals, objectives, and policies pertaining to the CEA Overlay District are contained under Objectives 4.3.1, 4.3.2, 4.4.2 and 4.4.3 of the Coastal Management Element. Compliance with all goals, objectives, and policies listed in this subsection, and with other applicable goals, objectives, policies, and development regulations is required for all activity within the CEA Overlay District.

Policy: 2.2.2.4.4

Effect of Mapping:

- a) Any project which is at least partially within the CEA Overlay District shall be submitted for approval under the special approval process, except in the instance of any project on lands owned, leased or operated by the Manatee County Port Authority. The area

designated under the CEA Overlay District on the Future Land Use Map shall also be subject to all goals, objectives and policies for any future land use category overlaid by the CEA District, except where policies associated with the CEA Overlay conflict with such goals, objectives and policies. In this event, policies associated with the CEA Overlay shall override other goals, objectives and policies.

Policy: 2.2.2.4.5

Development Restrictions/conditions

- a) Prohibit any amendment to the Future Land Use Map which would result in an increase in allowable residential density on sites within the Coastal Evacuation Area.

Policy: 2.2.2.5

CHHA: Establish the Coastal High Hazard Area Overlay District as follows:

Policy: 2.2.2.5.1

Definition: The geographic area below the Category 1 storm surge line as established by a Sea, Lake, and Overland Surges from Hurricanes (SLOSH) computerized storm surge model, as well as those portions of Manatee County located seaward of the 5 foot Mean Sea Level topographic contour, including all areas of known coastal flooding.

Policy: 2.2.2.5.2

Purpose:

- a) To limit population in areas most vulnerable to coastal storm events.
- b) To limit the amount of infrastructure, both private and public, within the CHHA Overlay District and thereby limit magnitude of public loss and involvement in mitigating for loss of private infrastructure to Manatee County residents.
- c) To, through exercise of the police power, increase the degree of protection to public and private property, and to protect the lives of residents within the CHHA, and reduce the risk of exposing lives or property to storm damage.
- d) To accomplish shoreline stabilization along coastal areas by limiting development activity which may adversely impact shoreline stability.

- e) To protect coastal water quality by reducing impervious surface along coastal areas, thereby reducing the risk of incomplete treatment of stormwater runoff before discharge into coastal waters.
- f) To encourage, establish, and maintain vegetative and spatial buffer zones, in order to maintain the capacity of natural vegetative communities in mitigating the negative effects of storm surge and tidal velocity, and the erosive effect of wave action.

Policy: 2.2.2.5.3

Applicable Goals, Objectives, and Policies: Goals, objectives, and policies pertaining to the CHHA Overlay District are contained under Objectives 4.3.1, 4.3.2, 4.4.2 and 4.4.3 of the Coastal Management Element. Compliance with all goals, objectives, and policies listed in these subsections, and with other applicable goals, objectives, policies, and development regulations is required for all activity within the CHHA Overlay District.

Policy: 2.2.2.5.4

Effect of Mapping:

- a) Any project which is at least partially within the CHHA Overlay District shall be submitted for approval under the special approval process, except in the instance of any project on lands owned, leased or operated by the Manatee County Port Authority. The area designated under the CHHA Overlay District on the Future Land Use Map shall also be subject to all goals, objectives and policies for any future land use category overlaid by the CHHA District, except where policies associated with the CHHA Overlay conflict with such goals, objectives and policies. In this event, policies associated with the CHHA Overlay shall override other goals, objectives and policies. The extent and coverage of the area designated as CHHA is an approximation, and is subject to a more precise determination on any project within, or proximate to, that area shown on the Future land Use Map as CHHA. At the time of review of any such project for issuance of any development order establishing total or partial development potential, evaluation of a pre-development topographic survey of the site shall be utilized to determine the extent of the CHHA District

Overlay.

Policy: 2.3.1.2

Minimize the alteration or relocation of any perennial lake or stream, or of adjacent jurisdictional wetlands by promoting the transfer of density/intensity away from the water body and out of the floodplain, except for improvements for public water supply sources, upon a finding of overriding public interest by the Board of County Commissioners. Also, limit the density or intensity credit which may be transferred from any acreage of altered or relocated wetlands to 50% of the maximum density or intensity associated with the future land use category on any such wetland. Any such reduction in density or intensity credit shall be in addition to any reduction (see Policy 2.3.1.1) caused by wetland acreage being in excess of 20% of gross project acreage.

Implementation Mechanism:

- a) Planning Departments review any proposed site development plans to ensure compliance with this policy.

Policy: 2.6.1.1

Require all adjacent development that differs in use, intensity, height, and/or density to utilize land use techniques to mitigate potential incompatibilities. Such techniques shall include but not be limited to:

- use of undisturbed or undeveloped and landscaped buffers
- use of increased size and opacity of screening
- increased setbacks
- innovative site design (which may include planned development review)
- appropriate building design
- limits on duration/operation of uses
- noise attenuation techniques
- limits on density and/or intensity [see policy 2.6.1.3]

Policy: 2.6.1.2

Require the use of planned unit development, in conjunction with the mitigation techniques described in policy 2.6.1.1, for projects where project size requires the submittal of a site development plan in conformance with the special approval process in order to achieve compatibility between these large projects and adjacent existing and future land uses.

Policy: 2.6.1.3

Require appropriate limits on net residential density to achieve compatibility between adjacent residential land uses.

Policy: 2.6.2.7	Limits on net density may reduce net density on a project, or part thereof, into less than the maximum net density associated with the future land use category or categories on the project site (see also policy 2.6.1.1).
Policy: 2.6.5.4	Require clustering, as appropriate, to limit impacts of residential development on adjacent agricultural, conservation, open space, or environmentally sensitive uses.
	Implementation Mechanism:
	a) Planning Departments review and conditioning of development orders to ensure compliance with this policy.
Policy: 2.6.5.4	Maximize the conservation and/or protection of public or private open space, including common open space, through the land development process by requiring that minimum percentages of the upland area on any project be maintained as undisturbed or landscaped areas.
	Land uses within the Watershed Overlay District shall meet additional requirements required by the Comprehensive Plan (See also Policy 2.2.2.2.5)
	Implementation Mechanism:
	a) Develop and maintain land development regulations containing these minimum open space standards, or equivalent standards.
Policy: 4.1.2.1	Require developments within the Coastal Planning Area to preserve representative tracts of native upland communities. [See policies under objective 3.3.2]
GOAL: 4.3	Protection of the Residents and Property Within the Coastal Planning Area from the Physical and Economic Effects of Natural Disasters.
Objective: 4.3.1	Development Type, Density and Intensity: Limit development type, density and intensity within the Coastal Planning Area and direct population and development to areas outside of the Coastal High Hazard Area to mitigate the potential negative impacts of natural hazards in this area.

Policy: 4.3.1.1

Direct population concentrations away from the Coastal Evacuation Area (CEA).

Policy: 4.3.1.3

Require that non-industrial redevelopment activities within the FEMA Velocity-Zone of the Coastal High Hazard Area to be limited to the density/intensity in existence for the development site prior to the effective date of the Comprehensive Plan; or be limited to three dwelling units per gross acre or the maximum Floor Area Ratio associated with the Future Land Use designation(s) on the project site, whichever is less. All such redevelopment activities shall also be subject to compliance with other applicable goals, objectives, and policies of this comprehensive plan, and all applicable development regulations.

Policy: 4.3.1.5

Maximize the clustering of uses in the Coastal High Hazard Area.

Clustering shall be promoted to protect coastal resources from the impacts of dock accesses, runoff from impervious surface and to minimize infrastructure subject to potential storm damage.

Net density limits may be waived for appropriate clustered projects.

For projects located partially within the CHHA, development shall be encouraged to transfer from areas within the CHHA to portions of the site outside of the CHHA. [See policies under objective 2.3.1 of the Future Land Use Element]

Policy: 4.4.2.1

Require that all project approvals within the Coastal Evacuation Area meet performance standards as described in detail in land development regulations and which may include:

- procedures for development and establishment of hurricane shelter capacity and evacuation time standards;
- mitigation measures such as fair share contribution to preserve sheltering capacity and maintain evacuation times, or reductions in project density;
- special design standards for infrastructure construction;
- development of hurricane evacuation plans in coordination with the Manatee County Division of Emergency Management; and specific surcharges or fees to recoup public expenditures for infrastructure after a storm.



6900 Professional Parkway East
Sarasota, FL 34240
Tel: (941) 907-6900



August 19, 2011

File: 215710074 (203)

**PLANNING
AUG 22 2011
DEPARTMENT**

Via: Hand Delivery

Manatee County
Building and Development Services
Comprehensive Planning – Public Hearings Division
1112 Manatee Avenue West, 4th Floor
Bradenton, FL 34205

Attn: **Ms. Lisa Barrett**
Planning Manager

Reference: **River's Reach (f/k/a Water's Edge) Phase I**
Case No.: PDR-04-01(P)(R)
Application No.: 20110162(1)

Dear Ms. Barrett:

The purpose of this letter is to request the Board of County Commissioners grant Specific Approval for the above referenced project on the following Land Development Code (LDC) alternatives:

LDC Section 604.10.3.5.1. - Roadway Buffer

The LDC requires a 50 ft roadway buffer and specific landscape plantings for projects within the North Central Overlay. The River's Reach project was originally approved in January 2005, prior to the adoption of the North Central Overlay requirements, with a 30 ft roadway buffer. Subsequent to the 2005 approval detailed engineering and landscape plans for the 30 ft buffer were approved by the County.

Phase 2 of the project has been constructed and platted including dedication of right-of-way (r/w) of approximately one-half mile for North Rye Road. The County's Transportation Department indicates with this review that the extend of r/w as dedicated with Phase 2 is no longer needed. It should also be recognized that North Rye Road has an uneven amount of r/w and the existing travel lanes are not centered within the right-of-way and, in fact, sit a greater distance from this project site than would normally be the case.

Although the Applicant is seeking to increase the project's unit count there are no changes being proposed to the roadway or utility systems which have received construction plan approval from all government agencies. The roadway buffer was constructed along 75% of the North Rye Road frontage.

The intent of the 50 ft buffer required by the North Central Overlay has been met by a greater amount of right-of-way being dedicated for a large portion of the project frontage. Also, the project should not be penalized for new regulations taking place midway during the construction of the project nor should the project be required to construct inconsistently sized buffers along its frontage.

River's Reach (f/k/a Water's Edge) Phase I
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LDC Section 712.2.8. - Two Means of Access

The LDC requires two means of access for projects exceeding 100 dwelling units. The original approval was for 257 dwelling units and was granted Specific Approval for an alternative by providing an emergency access point on to North Rye Road and a boulevard section for the main entrance road. One phase (Phase 2) has been constructed with the required boulevard.

The project proposes an increase of 69 dwelling units for a total of 326 units. After discussions with County staff regarding the increased dwelling units, the Applicant has proposed a change in the character of the emergency access connection. This access will continue to allow both ingress/ egress to emergency vehicles. However, the access connection to North Rye Road is now proposed for egress use by the residents as well.

LDC Section 714.8.7. - Replacement Trees

The LDC requires replacement trees be sized at 3"/ 5"/ 7". However, County staff recommended to the Applicant that replacement trees be installed at smaller sizes of 3"/ 4"/ 4". The Applicant concurs with staff's recommendation due to the fact planting smaller trees will allow better performance for the new trees and will increase their survival rate. Therefore, the Applicant does seek the reduced sizes for replacement trees as recommended by County staff.

The Applicant respectfully requests the approval of the above alternatives to the LDC. Should you have further comments or need additional information, please contact our office.

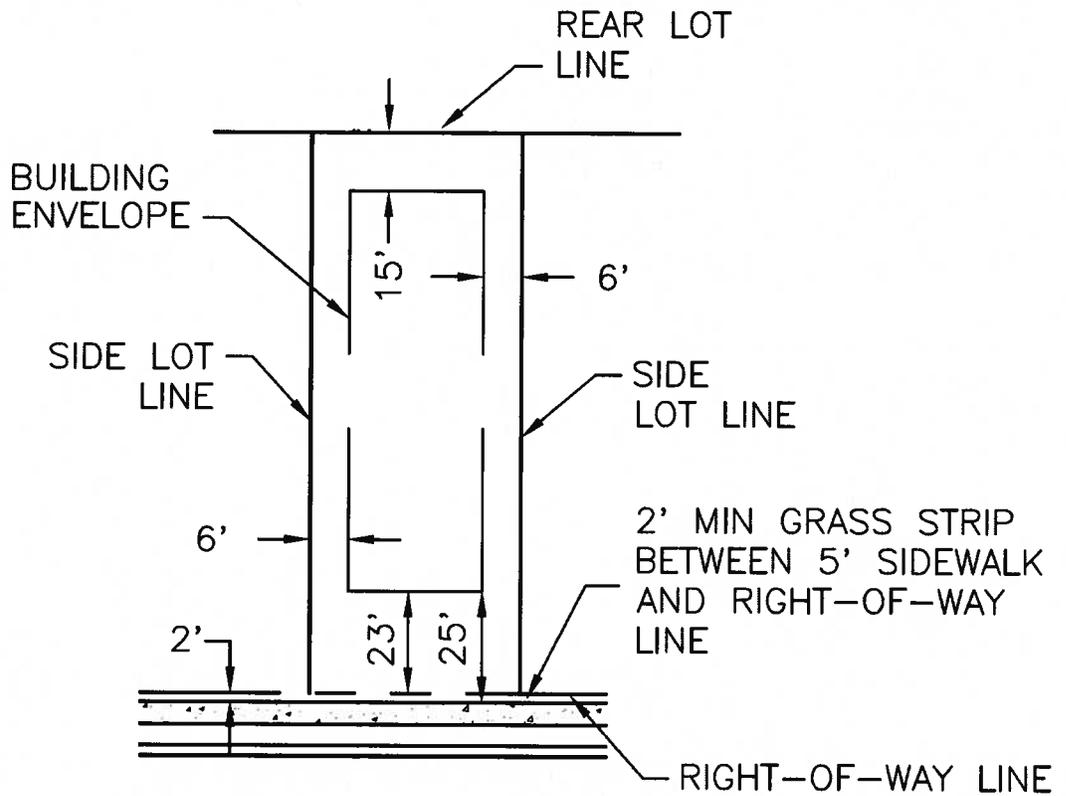
Sincerely,

WilsonMiller Stantec



Diane Chadwick, AICP
Principal, Planning
Tel: (941) 907-6900
Fax: (941) 907-6910
E-Mail: diane.chadwick@stantec.com

C: Pat Neal, Neal Communities, Inc.
Dale Weidemiller, Neal Communities, Inc.



MINIMUM LOT SETBACK DETAIL
N.T.S.

Copy of Newspaper Advertising

Bradenton Herald

NOTICE OF ZONING CHANGES IN UNINCORPORATED MANATEE COUNTY

NOTICE IS HEREBY GIVEN, that the Planning Commission of Manatee County will conduct a Public Hearing on **Thursday, October 13, 2011 at 9:00 a.m. at the Manatee County Government Administrative Center, 1st Floor Chambers, 1112 Manatee Avenue West, Bradenton, Florida** to consider, act upon, and forward a recommendation to the Board of County Commissioners on the following matters:

LDA-11-01 – PDR-06-34(Z)(P) PADDOCKS LAND VENTURE /THE PADDOCKS DTS#20110143

Request for approval of LDA-11-01 relating to the Paddocks project, approved as PDR 06 34(Z)(P); providing for the applicant's construction of improvements at the intersection of Ellenton-Gillette Road and Mendoza Road; providing for the approval of an extended Certificate of Level of Service Compliance for public facilities for the Project; and providing for the extension of the Preliminary Site Plan approved for the Project. The Project is located on a 82.04± acre parcel of property located in Manatee County, generally bounded by 37th Street East (a/k/a Mendoza Road) on the north, Ellenton-Gillette Road on the east, 29th Street East on the south, and the Seaboard Coast Line Railroad on the west. Through prior approvals, the Project has been approved for a maximum of two hundred sixty-four (264) residential units, consisting of forty-eight (48) lots for single-family detached residences, one hundred four (104) single-family residences on a single parcel, and one hundred twelve (112) multi-family units with at least twenty-six (26) of the units designated as workforce housing. The Project is approved with a maximum height of thirty-five (35) feet for all uses.

PDMU-05-19(G)(R4) – NORTH-WEST SECTOR DTS20110193

Request: An Ordinance of the Board of County Commissioners of Manatee County, Florida, amending and restating Ordinance PDMU-05-19(Z)(G)(R), PDMU-05-19(Z)(G)(R2) and PDMU-05-19(G)(R3) to amend the General Development Plan to:

- Reallocate single-family units among parcels;
- Add residential support as a use;
- Modify dimensional criteria;
- Allow design flexibility by revising restrictions on land use and design criteria;
- Amend stipulations to facilitate these changes;
- Update the phasing table to reflect legislatively approved extensions;

subject to stipulations as conditions of approval; setting forth findings; providing a legal description; providing for severability, and providing an effective date. The development has been approved for 4,422 residences, 200,000 square feet of commercial space, 105,000 square feet of office space and a 120 bed group care facility, generally east of Lakewood Ranch Boulevard, south of 44th Avenue East extension, west of Lorraine Road, and north of S.R. 70. A 39.3 ± acre parcel is west of Lakewood Ranch Boulevard (1,518.9 ± acres).

PDMU-05-09(P)(R2) – CENTRAL PARK DTS20110194

An Ordinance of the Board of County Commissioners of Manatee County, Florida, approving an amended Zoning Ordinance and revised Preliminary Site Plan by amending the following:

- Increase the residential units from 800 to 826;
- Allow residential support uses;
- Modify commercial parcels boundaries;
- Reallocate commercial square footage;
- Modify dimensional criteria;
- Allow design flexibility by removing restrictions on land uses and design criteria;
- Amend the Ordinance definitions, conditions, and terminology to reflect the above changes;

subject to stipulations as conditions of approval; setting forth findings; providing a legal description; providing for severability, and providing an effective date. The site is generally located east of Lakewood Ranch Boulevard, south of 44th Avenue East, north of Malachite Drive and west of Pope Road, Bradenton (372 ± acres).

PDR-04-01(P)(R) – RIVER'S REACH (FKA: WATER'S EDGE) DTS20110162

An Ordinance of the Board of County Commissioners of Manatee County, Florida, amending Ordinance No. PDR-04-01(P) and the Preliminary Site Plan for the River's Reach Subdivision to:

1. increase the number of single-family residential lots from 257 to 326 (69 additional lots),
2. Modify the overall gross density from 1.03 dwelling units per acre to 1.31 dwelling units per acre,
3. Modify Phase 1 lot sizes from 80' wide to a minimum of 52' and modify the front and side yard setbacks;
4. Relocate existing recreational amenities in Phase 2; and
5. Change existing stipulations to reflect the above, update departmental references, and reflect current standards.

The River's Reach Subdivision (249.17+ acres) is within the PDR/NCO (Planned Development Residential/North Central Overlay) zoning district. The site is north of the Manatee River on the west side of North Rye Road, in Parrish; subject to stipulations as conditions of approval; setting forth findings; providing a legal description; providing for severability, and providing an effective date.

PDMU-92-01(G)(R13) SCHROEDER-MANATEE RANCH, INC. / UNIVERSITY LAKES

An Ordinance of the Board of County Commissioners of Manatee County, Florida, relating to land development, amending Stipulation Q.(1) of Ordinance PDMU-92-01(Z)(G)(R12) and amending the General Development Plan to reallocate 100 multi-family units from Parcel 53 to Parcel 15, 16,791 square feet of non-residential square footage from Parcel 15 to Parcel 4/5, and 255 hotel rooms from Parcel 15 to Parcel 4/5 and amending note 2(E) regarding Parcel 15; other minor amendments as necessary; setting forth findings; providing for severability; and providing an effective date.

University Lakes is at the north-east intersection of the University Parkway and I-75 interchange, south of SR70, north of University Parkway, and east of I-75 to the current boundary at three miles east of Lorraine Road. The present zoning is PDMU/WP-E/ST (Planned Development Mixed Use / Evers Reservoir Watershed Protection and Special Treatment Overlay District) (4,101.2 ± acres).

All interested parties are invited to appear at this public hearing and be heard, subject to proper rules of conduct. Additionally, any written comments filed with the Director of the Building and Development Services Department will be heard and considered by the Planning Commission and entered into the record.

It is important that all parties present their concerns to the Planning Commission in as much detail as possible. The issues identified at the Planning Commission hearing will be the primary basis for the final decision by the Board of County Commissioners. Interested parties may examine the Official Zoning Atlas, the applications, related documents, and may obtain assistance regarding these matters from the Manatee County Building and Development Services Department, 1112 Manatee Avenue West, 2nd Floor, Bradenton, Florida, telephone number (941) 748-4501x6878; e-mail to: planning.agenda@mymanatee.org

According to Section 286.0105, Florida Statutes, if a person decides to appeal any decision made with respect to any matters considered at such meetings or hearings, he or she will need a record of the proceedings, and for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record would include any testimony or evidence upon which the appeal is to be based.

Americans With Disabilities:

The Board of County Commissioners of Manatee County does not discriminate upon the basis of any individual's disability status. This non-discrimination policy involves every aspect of the Board's functions including one's access to and participation in public hearings. Anyone requiring reasonable accommodation for this meeting as provided for in the ADA, should contact Kaycee Ellis at 742-5800; TDD ONLY 742-5802 and wait 60 seconds, or FAX 745-3790.

THIS HEARING MAY BE CONTINUED FROM TIME TO TIME PENDING ADJOURNMENTS.
MANATEE COUNTY PLANNING COMMISSION
Manatee County Building and Development Services Department
Manatee County, Florida
09/29/2011

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 WATER'S EDGE)
 DTS20110182

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 MANATEE COUNTY PLANNING COMMISSION
 Manatee County Building and Development Services Department
 Manatee County, Florida

Date of pub: September 30, 2011