

REVISED PRELIMINARY SITE PLAN
PDR-00-04(P)(R) - LA MIRADA APARTMENTS GARDENS, LTD.

THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, having specifically considered the recommendation of the Planning Commission, the criteria set forth in Manatee County Ordinance No. 90-01 (the Manatee County Land Development Code); and finding PDR-00-04(P)(R) consistent with Manatee County Ordinance No. 89-01 (the Manatee County Comprehensive Plan), REVISED PRELIMINARY SITE PLAN PDR-00-04(P)(R) - LA MIRADA APARTMENTS GARDENS, LTD. is hereby approved to allow the applicant to continue with processing the Final Site Plan and obtain building permits prior to vacation approval of the public right-of-way; and 2) modify Stipulation 2.c. for clarification, for a project that previously granted Special Approval for: 1) a project that exceeds 6 dwelling units per acre within the RES-9 FLUC; 2) a project with an affordable housing bonus of 9.38 dwelling units per acre within the RES-9 and ROR FLUC; and 3) a project located next to a perennial stream subject to the following stipulations and previously granted specific approval:

STIPULATIONS:

1. DESIGN AND LAND USE CONDITIONS:

- a.) The design for the multi-family buildings shall be in substantial conformance with the elevation view entered into the record for this case.
- b.) A 30' buffer with enhanced landscaping shall be provided along the entire length of the south property line. This buffer shall be planted with two staggered rows of canopy trees (3" caliper, 10' in height and 4' spread) with trees in each row 40 feet on center. At least two different species of trees shall be used. Existing canopy trees meeting this criteria may remain and may count to satisfy this condition.
- c.) To the maximum extent possible, existing indigenous vegetation shall remain within the required landscape buffers.
- d.) All required landscaping located within the buffers shall be located outside of the required drainage easements.
- e.) The dumpster shall be relocated so as not to be visible from 55th Avenue East or 16th Street East.
- f.) A 6 foot high chain link fence shall be installed along the east property line, adjacent to the railroad track.
- g.) The applicant shall enter into a Land Use Restriction Agreement with the County to insure that the units are retained as affordable units in accordance with the LDC. The Agreement shall be approved by the County prior to Final Site Plan approval.
- h.) The laundromat and daycare facility shall be utilized by the residents of La Mirada only. No free-standing signs shall be permitted for the laundromat and daycare facility; wall signs shall be limited to 8 square feet.
- i.) The applicant and their heirs, assigns, or transferees, are hereby notified that a payment of an impact fee for school purposes shall be required if such impact fee is adopted by the School Board of Manatee County or the Board of County Commissioners.
- j.) Lighting on site shall comply with Section 709.2.3 of the LDC which states that the illumination of adjacent premises by spill light shall not exceed a value of one-foot candle measured in the horizontal or vertical plan at a point five feet inside any adjacent

residential property.

2. PUBLIC SAFETY AND TRANSPORTATION CONDITIONS:

- a.) The boulevard entrance shall be constructed with a 22-foot wide median.
- b. (i) The design of this project's boulevard entrance is within a portion of Manatee County public right-of-way ("County Parcel"). The Developer has submitted an Application for Vacation of the County Parcel with Manatee County Land Acquisition and has submitted Warranty Deeds to dedicate private land for right-of-way to Manatee County so that Developer can undertake, upon issuance of the proper permits, the required improvements to 55th Avenue East and 16th Street East. These improvements do not require the use of the County Parcel. The public hearing for the Board of County Commissioners to act upon the Vacation shall occur no later than 120 days from the date of this approval of the modification, unless the Transportation Director determines additional time is necessary.
- (ii) Prior to the public hearing on the Vacation application and upon approval of the pending Final Site Plan, the Developer is authorized to pull Building Permits provided:
 - a) No construction activity shall take place on or within twenty five(25') feet of the County Parcel notwithstanding that the County Parcel maybe used for access to the project. Access shall include the need to clear, stabilize and create a construction access road to the project property.
 - b) No construction material storage or temporary construction trailers shall take place on or within twenty five (25') feet of the County Parcel.
- (iii) Should the Board not vacate the right-of-way, the boulevard entrance to this project and both sides of its perimeter shall be redesigned and the Final Site amended to assure the following:
 - a) The security gate will not operate within or obstruct Manatee County right-of-way;
 - b) No required landscaping or required landscape buffer shall be located within Manatee County right of-way; however, all required buffers and landscaping shall be provided.
 - c) Prior to issuance of the first Certificate of Occupancy for the project, the Developer shall execute a Median/Landscape Maintenance Agreement in a form acceptable to Manatee County;
 - d) The County parcel shall only be used for public right-of-way purposes and the required twenty five (25') foot setback from the County Parcel shall be observed.
 - e) A Right of Way Utilization Agreement will be applied for and issued by the Transportation Department prior to any construction work in the existing County rights-of-way.

- c.) The applicant must develop a traffic management plan to ensure that public use of 16th Street East and 55th Avenue East is not unreasonably impeded during construction of the relocated roadway. The traffic management plan shall be approved by the Transportation Department prior to Final Site Plan approval.
- d.) Prior to Final Site Plan approval, 50 feet (25 feet half-width) right-of-way shall be dedicated to Manatee County.
- e.) 55th Avenue East and 16th Street East (from 15th Street East to the end of the existing pavement on 16th Street East) shall be paved and constructed to County standards in accordance with one of the following options:
 - e.(1) A 20 foot paved roadway with curbs and gutters;
 - OR
 - e.(2) A 22 foot paved roadway with no curb or gutter. Adequate room for roadside ditch and swale system shall be included.

The design option selected must be approved by the Transportation Department with Final Site Plan approval.

- f.) The Developer shall provide speed tables on 55th Avenue East and 16th Street East in locations and design as directed and approved by the Transportation Department.
- g.) The intersection of 15th Street East and 55th Avenue East shall be reconfigured to accommodate the following traffic movements:
 - g.(1) A west bound to south bound left turn lane on 55th Avenue East.
 - g.(2) A west bound to north bound right turn lane on 55th Avenue East.
- h.) The applicant shall be responsible for any additional on-site or off-site related safety improvements or capacity improvements attributable to this project, as determined by the Planning Department, based on the findings of the traffic study report.
- i.) Manatee County shall be responsible for acquisition of any off site right-of-way necessary to accomplish the requirements listed in Stipulations 2(g) and 2(h) above. The applicant shall reimburse Manatee County for all costs associated with acquiring the necessary right-of-way unless the Board waives this reimbursement requirement.
- j.) Five foot wide sidewalks shall be installed along 55th Avenue and 16th Street East, along Lots 1 and 2. Five foot wide sidewalks shall be installed within Lot 1, on one side of the drive aisles and on both sides of the boulevard entrance.
- k.) The entrance gate to the project shall be accessible to EMS by either a remote control or siren activated system. Prior to Final Site Plan approval, the applicant shall receive written approval from EMS and the Fire Marshall approving the proposed system.

3. INFRASTRUCTURE CONDITIONS:

- a.) All infrastructure, including lift stations, cleanouts, and manhole rims shall be located above the 100-year flood plain.
- b.) Utilities within this project shall be considered "private". Only the utilities within the right-of-

way of 16th Street East and 55th Avenue East shall be considered "public."

- c.) Fire hydrants shall be located within 400 feet of the entrance to the buildings and shall not be spaced more than 800 feet apart. The location of the hydrants are to be determined and approved by the Fire Marshall of the district servicing this site prior to Final Site Plan approval.
- d.) Prior to Final Site Plan approval, the Engineer of Record/Architect must provide documentation to prove that concurrency has been met relative to fire flow.
- e.) Prior to Final Site Plan approval, the following issues must be resolved with the Southern Manatee Fire and Rescue District:
 - Provide a fire flow at remote fire hydrant inside complex,
 - Spacing of fire hydrants inside the complex starts at the main entrance. Adjustments will need to be done to the present fire hydrant, and
 - A fire flow of 2,000 g.p.m. will be required from each fire hydrant. Fire flow for existing fire hydrants on the site plan shall be provided.
- f.) The proposed lift station must be designed to meet County Standards concerning minimum access/egress requirements. No landscaping shall be planted within the lift station. Landscaping is permitted to be planted around the lift station.

4. FLOODPLAIN MANAGEMENT AND DRAINAGE CONDITIONS:

- a.) Drainage easements will be required for all drainage canals located within the subject property, together with a 20 foot wide access easement, as per County standards. The Oneco Drain will require a drainage easement to the top of bank, together with a 25 foot wide access easement.
- b.) All fill within the 100 year floodplain, above the seasonal high water table, shall be compensated by creating storage of equal or greater volume.
- c.) The stormwater management system shall be designed on the Final Site Plan to provide a reduction of 50% of the allowable pre-development flow from the 25 year - 24 hour storm event discharge.
- d.) Final engineering drainage design must be approved prior to Final Site Plan approval.

5. ENVIRONMENTAL CONDITIONS:

- a.) Wetland buffers shall be provided from all post-development jurisdictional wetlands (including wetland mitigation areas) in accordance with Section 719.11.1 of the LDC, and shall be delineated on the Final Site Plan.
- b.) All required/proposed landscaping within the wetland buffers shall be native and indigenous to Manatee County.
- c.) All structures/activities within wetlands/wetland buffers shall be consistent with Section 719.11.1.2. of the LDC.
- d.) The boundaries of the wetland buffers shall be marked with signs indicating that this is a wetland protection area. The number and placement of such signs shall be approved by

the Environmental Management Department with Final Site Plan approval. There shall also be a Notice To Buyers indicating that the property has a wetland and buffer area on them, with a reference to the recorded conservation easement.

- e.) Prior to the 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.

SPECIFIC APPROVALS:

Specific Approval of an alternative to Section 603.7.4.5 of the Land Development Code to allow a 5 foot reduction to the required width of the greenbelt along the north property line of Lot 2 and along the west property line of Lot 1 (previously granted as part of PDR-00-04(Z)(P) adopted on October 24, 2000).

APPROVED AND HEREBY GRANTED, by the Board of County Commissioners of Manatee County, Florida this 7th day of May, 2002.

BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA

Amy Steen
Chairman



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

By: Robin Liberty, DC.