ORDINANCE NO. 2952

AN ORDINANCE ANNEXING TO THE CITY OF BRADENTON, FLORIDA, CERTAIN LAND CONTIGUOUS THERETO, LOCATED AT 101 48th STREET COURT EAST, AND PROPERTY IDENTIFIED AS PARCEL #1123710004 AND LEGALLY DESCRIBED AS FOLLOWS:

LEGAL DESCRIPTION: A PARCEL OF LAND LYING AND BEING IN SECTION 28, TOWNSHIP 34 SOUTH, RANGE 18 EAST, MANATEE COUNTY FLORIDA.
COMMENCE AT THE NW CORNER OF NE ¼ OF NE ¼ OF SAID SECTION 28; THENCE S.89°08'52"E., ALONG THE NORTH LINE OF SAID SECTION 28, A DISTANCE OF 70.00 FEET TO THE INTERSECTION WITH THE EAST RIGHT OF WAY LINE OF 48TH STREET COURT EAST; THENCE S.00°04'39"E. ALONG SAID EAST RIGHT OF WAY LINE, A DISTANCE OF 25.14 FEET FOR A POINT OF BEGINNING; THENCE CONTINUE S.00°04'39"E. ALONG SAID LINE, A DISTANCE OF 129.65 FEET; THENCE S.00°35'43"W. ALONG SAID EAST RIGHT OF WAY LINE, A DISTANCE OF 185.37 FEET; THENCE S.89°09'40"E., A DISTANCE OF 627.70 FEET; THENCE N.00°32'14"E., A DISTANCE OF 315.09 FEET; THENCE N.89°10'04"W., A DISTANCE OF 628.90 FEET TO THE POINT OF BEGINNING.

CONTAINING 197,805 SQUARE FEET OR 4.54 ACRES, MORE OR LESS.

WHEREAS, a request for Annexation to the City of Bradenton has been brought by White Oak Development, Ltd., agent for Florida Coast Development Corp., owner; and

WHEREAS, said property petitioned to be annexed is contiguous to the corporate limits of the City of Bradenton, Florida and meets the requirements of Florida Statute 171.044; and

WHEREAS, the property is owned by Florida Coast Development Corp.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BRADENTON, FLORIDA:

Section 1: That the land herein before referred to and described as follows:

LEGAL DESCRIPTION: A PARCEL OF LAND LYING AND BEING IN SECTION 28, TOWNSHIP 34 SOUTH, RANGE 18 EAST, MANATEE COUNTY FLORIDA.
COMMENCE AT THE NW CORNER OF NE ¼ OF NE ¼ OF SAID SECTION 28; THENCE S.89°08'52"E., ALONG THE NORTH LINE OF SAID SECTION 28, A DISTANCE OF 70.00 FEET TO THE INTERSECTION WITH THE EAST RIGHT OF WAY LINE OF 48TH STREET COURT EAST; THENCE S.00°04'39"E. ALONG SAID EAST RIGHT OF WAY LINE, A DISTANCE OF 25.14 FEET FOR A POINT OF BEGINNING; THENCE CONTINUE S.00°04'39"E. ALONG SAID LINE, A DISTANCE OF 129.65 FEET; THENCE S.00°35'43"W. ALONG SAID EAST RIGHT OF WAY LINE, A DISTANCE OF 185.37 FEET; THENCE S.89°09'40"E., A DISTANCE OF 627.70 FEET; THENCE N.00°32'14"E., A DISTANCE OF 315.09 FEET; THENCE N.89°10'04"W., A DISTANCE OF 628.90 FEET TO THE POINT OF BEGINNING.

CONTAINING 197,805 SQUARE FEET OR 4.54 ACRES, MORE OR LESS.

is land sought to be annexed by motion, and the same is hereby annexed to and incorporated within the City of Bradenton, Manatee County, Florida, as fully and effectually as if the same were included within the boundary of the City of Bradenton, Florida, as set forth in its Charter.

Section 2: Such land, above described, shall immediately become subject to the jurisdiction and powers of the City of Bradenton, Florida.

Section 3: Impact fee equivalency will be required in accordance with the definitions of the ACCORD as determined by the Director of the Department of Planning and Community Development subject to City Council approval.

Section 4. This Ordinance shall take effect immediately.

PASSED IN REGULAR SESSION, this 14TH day of August, 2013

President, City Council

ATTEST

City Clerk

First Reading: **July 17, 2013**

Advertised: **July 28, 2013 & August 4, 2013**

Second Reading & Public Hearing: **August 14, 2013**

APPROVED AS TO FORM:

City Attorney

APPROVED by me, this 14th day of August, 2013.

Mayor

bradenton
The Friendly City

EVALUATION AND REPORT
Department of Planning & Community Development

TO:	Mayor and City Council
FROM:	Brady M. Woods, Development Services & Zoning Manager
DATE:	June 26, 2013; REVISED July 3, 2013; **REVISED August 7, 2013**
APPLICANT:	**ANNEXATION AX.13.00023 / White Oak Development, Agent for Florida Coast Development Corp, Owner.**
WARD:	**4**

FINDINGS OF FACT

APPLICANT REQUEST:
Voluntary annexation of a contiguous parcel into the City of Bradenton municipal boundary.

COMPLETE APPLICATION REMARKS:
The application appears to be complete for review.

ACREAGE: 4.54± acres

FLOOD ZONE: AE

LOCATION OF SUBJECT PROPERTY:
The subject property is located along the east side of 48th Street Court East, about midway between Manatee Avenue East (SR 64) and the Manatee River. The address is 101 48th Street Court East. A legal description is on file. The subject property is also located in Neighborhood 20.03.

CHARACTERISTICS OF SUBJECT PROPERTY:
The subject property contains a two story residence, and small shed. The perimeter appears to be heavily vegetated. The abutting land area to the north is currently being developed for single family residential use. Property to the west of 48th Street Court is the Inlets at Riverdale Subdivision.

EXISTING LAND USE: Single family residential

SURROUNDING EXISTING LAND USES:
North: Residential (Cottages at San Casciano)
South: Vacant
East: Residential
West: Residential (The Inlets at Riverdale)

EXISTING MANATEE COUNTY GFLUM DESIGNATION: RES-6
COMPARABLE CITY OF BRADENTON FLUM DESIGNATION: Low Density Residential-6

SURROUNDING FLUM DESIGNATIONS:
North: Low Density Residential-6 (CITY)
South: Low Density Residential-6 (CITY)
East: RES-6 (COUNTY)
West: RES-6 (COUNTY)

EXISTING MANATEE COUNTY LDC ATLAS DESIGNATION: A-1
COMPARABLE CITY OF BRADENTON LUR ATLAS DESIGNATION: R-1

SURROUNDING LUR ATLAS DESIGNATIONS:
North: R-1/PDP (CITY)
South: R-1/PDP (CITY)
East: A-1 (COUNTY)
West: RSF-6 (COUNTY)

HISTORY/PREVIOUS ACTION RELEVANT TO APPLICANT'S REQUEST:
City Council approved Annexation petition AX.05.0006 for 49.16± acres, which included the 4.54-acre subject parcel, on April 13, 2005. Prior to receiving City FLUM and LUR Atlas designations, the applicant filed a request to de-annex (AX.05.0012) the 4.54-acre subject parcel indicating that the subject parcel's contiguity appears to form an enclave. City Council approved the de-annexation request on November 16, 2005. City FLUM and LUR Atlas designations were never approved or assigned to the subject parcel.

ANALYSIS:

COMPREHENSIVE PLAN CONSISTENCY\IMPLICATIONS:
The proposed Annexation does not appear to be inconsistent with Bradenton's Comprehensive Plan.

CONSISTENCY WITH JOINT PLANNING AGREEMENT:
Urban Development Zone/Joint Planning Overlay Considerations: The subject property is not located within the UDZ, thus review by the Joint Planning Committee is required.

Environmental Sensitivity of the Property:
The subject parcel is located in Flood Zone 'AE' and has 0.59± acres of jurisdictional wetlands located along the northern property line. The Comprehensive Plan requires that wetlands be designated as Conservation with no transfer of density available. The subject property is heavily wooded and contains significant Live Oak stands.

Historic Resources:
The subject parcel is developed with no apparent historic resources present or yet determined.

Compatibility:
Annexation of the subject parcel appears to be compatible with existing and contiguous City jurisdictional properties located immediately north and south. Future planned development of the subject parcel may require a more in-depth analysis of compatibility with regard to product type, height, and intensity.

Emergency Shelter Space:
The subject parcel is likely to be proposed for residential development whereby an analysis of hurricane evacuation times, as well as, emergency shelter space as available through Manatee County would be warranted at that time.

Height Provisions (if applicable):
Annexation of the subject parcel would not cause a non-conforming height condition within the City; however, future development height(s) would require further analysis.

Impact Fee Equivalency:
Pursuant to the ACCORD, Section 4.B (5), the subject parcel is subject to both City and County impact fees, as part of the agreement to annex.

AVAILABILITY OF PUBLIC SERVICES:
Potable Water: City service is available.
Reclaimed Water: N/A
Sanitary Sewer: City service is available.

Solid Waste: City service is available.
Roads: 48th Street Court East from State Road 64 East north to the entrance of the WCI Tidewater Preserve subdivision has been widened and divided with a landscaped median improved to accommodate the new residential developments currently built, or planned for, along 48th Street Court East. Access to the subject parcel is available from 48th Street Court East.
Recreation: Residential development of the subject property will impact recreation concurrency in the County and may impact recreation concurrency in the City when/if the City's Impact Fee moratorium expires. Future development of the subject parcel may require the provision of internal recreation and open space facilities and components.

COST/BENEFIT ANALYSIS:
No established procedure currently exists for this type of analysis; however, it is important to consider the following:

- The subject parcel can be efficiently served with City utilities and public safety components without the requirement of outside agency assistance.
- Future development of the subject parcel would create additional ad valorem tax.

SUMMARY OF OUTSIDE AGENCY/PUBLIC NOTIFICATION RESPONSE:
No written responses received as of the date of this report.

DEVELOPMENT REVIEW COMMITTEE (DRC) COMMENTS (May 8, 2013):
Public Works:
No Objection. City utilities are available.

Fire Prevention:
No Objection. No Comments.

Police Department:
No Objection. No Comments.

Building Division:
No Objection. No Comments.

STAFF EVALUATION:
Annexation of the 4.54-acre subject parcel into the City is logical based on locational criteria and the current development environment surrounding the parcel. Staff can find no overt objections to recommending approval of this annexation request. This particular parcel was previously annexed into the City in 2005, and then subsequently de-annexed a few months later due to concerns regarding enclave creation. The appearance of creating enclave was then and still is a valid concern. As noted in 2005, the question of enclave creation, in this instance, depends on two factors: 1) State Road 64 East and 2) How the properties east of the subject parcel that will remain in the County retain access without traversing across annexed property. The City Attorney determined in 2005 that access to the Inlets at Riverdale subdivision would be available without travelling through City jurisdiction by using State Road 64 East. The existing single family residence immediately east of the subject parcel uses an unpaved roadway for access to 48th Street Court East. This unpaved roadway is located on property that is currently within the City's municipal boundary. While this does not provide clear language that an enclave would not in fact be created should the subject parcel be annexed, additional discussion to clarify the issue may be necessary as part of the public hearing process.

JOINT PLANNING COMMITTEE (JPC) REVIEW (July 3, 2013):
The JPC met on July 3, 2013 with representatives from City of Bradenton, City of Palmetto, Island Communities, and Manatee County in attendance. During committee deliberations, the issue of 'enclave creation' was raised by the Manatee County representatives specific to the properties located east of the subject parcel that currently are within Manatee County jurisdiction. Presently, access to these properties is obtained through the City via longstanding access easements. It was noted by the applicant's legal representative, as well as the City Attorney that this request (AX.13.00023) would not

create or further encumber an enclave if this request were approved. Access to the adjacent "County" properties via City easements will continue independent of the outcome of this annexation request.

A motion was made by Commissioner Brian Williams (City of Palmetto) to forward a positive recommendation of "No Objections" to City Council. The motion was second by Commissioner Michael Gallen (Manatee County), and approved unanimously by the JPC 5-0.

STAFF RECOMMENDATION:
APPROVAL of AX.13.00023 based on the Findings of Fact

CITY COUNCIL ACTIONS:
First Reading (July 17, 2013):
FORWARD to August 14, 2013 Council hearing for second reading f ordinance and adoption

Second Reading and Adoption (August 14, 2013):

ABBREVIATED MINUTES
JOINT PLANNING COMMITTEE
July 3, 2013

The Joint Planning Committee met on July 3, 2013 at 10:00 A.M. in the Bradenton City Hall Council Chambers, 101 Old Main Street, Bradenton, Florida.

ATTENDANCE

Joint Planning Committee Members:
Present: Chairman and Vice Mayor Gene Gallo, City of Bradenton; Mayor Carmel Monti, Holmes Beach/Island Cities; Commissioner Michael Gallen, Manatee County; Robert Gause, Manatee County School Board, Commissioner Brian Williams, City of Palmetto

City of Bradenton Staff:
Present: Tim Polk, Brady Woods and Karen Aihara, Planning & Community Development; William Lisch, City of Bradenton Attorney

NEW BUSINESS

The meeting was called to order on July 3, 2013 at 10:00 a.m. in the Bradenton City Council Chambers by Chairman Gene Gallo to discuss:

> AX.13.00023 - Request of White Oak Development, Inc., Agent for Florida Coast Development, owners for an annexation of 4.54 acres located at 101 48th St Ct East (Zoned County A1).

Mr. Stephen Thompson, Attorney with Njamy Thompson, presented the applicant's request for annexation. This request will unite a development within two jurisdictions, City/County. No changes to access, use of City utilities, no enclave is created, and is better planning.

Mr. Michael Gallen (Manatee County Commission) is not opposed, but questioned the enclave of the properties to the east of this property. Kathleen Thompson (Manatee County Planning) questioned the access and enclave and presented map as exhibit. Mr. Thompson said that the Manatee County Circuit Court has rendered a determination on this property that the annexation does not further encumber an enclave and this request does not take away anyone's access easements.

Mr. Robert Gause (Manatee County School Board) stated that there are no issues from the Manatee School District.

Staff and Development Review Committee (DRC) Comments:

- Public Works – No objection, city utilities are available.
- Fire – No objection, no comments.
- Police – No objection, no comments.
- Building Division – No objection, no comments.
- Staff - Recommends approval and supports this annexation.

Mr. Brian Williams (City of Palmetto) moved that annexation AX.13.00023 is moved forward to

Bradenton City Council with a recommendation of "No Objections". Motion was seconded by Mr. Michael Gallen (Manatee County) and approved unanimously by the Joint Planning Committee 5-0.

This request will be heard by the Bradenton City Council for 1st Reading on July 17, 2013 with 2nd Reading and Adoption on August 14th. Chairman Gene Gallo adjourned the meeting at 10:18 A.M.

Tim Polk, Director
Department of Planning and Community Development

Annexation Application

Department of Planning & Community Development
101 Old Main Street, Bradenton, FL 34205
Ph: (941) 932-9400 x 413 Fax: (941) 932-9534

Date: 04/22/13 Permit Number: AX.13.00023

Parcel Number: 1123710004 Future Land Use: RES-6

Acreage: 4.54 acres Zoning District: PDR

RECEIVED MAY 20 2013 CITY OF BRADENTON PLANNING DEPT.

1. LOCATION: 101 48th ST Ct E, Bradenton
(Number, Street and Zip Code)

not in subdivision
Subdivision

n/a
Lot Block Phase

2. ACCOMPANYING MATERIAL REQUIRED:

- ▶ Survey signed and sealed within the last three years (30 folded)
- ▶ Letter of Request
- ▶ Aerial Photos (30)
- ▶ Legal Description
- ▶ Legal Description*
- ▶ Number of Residences: 1
- ▶ Number of Electric Meters: 1
- ▶ Address Assigned to Meter(s): 101 48th St Ct E

* Digital format on CD or email to ruthseewer@cityofbradenton.com

3. IDENTIFICATION:

Florida Coast Development Corp. 10807 Riverbank Terrace, Bradenton 34212 941-750-6000
Owner Address Phone

White Oak Development, Ltd. 10520 Portal Xing, 105, Bradenton 34211 941-750-6000
Agent Address Phone

The owner of this property and the undersigned agree to conform to all applicable laws of the City of Bradenton and to all applicable Federal, State and County laws.

David McNabb, Agent 10520 Portal Xing, 105 Bradenton 34211 941-750-6000
Signature of Owner Address Phone

City Council: 7/17/13

Review Fee:	$ 1,000.00
Estimated Cost of Public Notice:	$ 1,500.00
Joint Planning Committee Public Notice:	$ 100.00
Each Sign: $7.00	$ 7.00
Total:	2,607.00

Rec#000472-0018

WHITE OAK DEVELOPMENT, LTD.
Land Development Consulting

Mailing: 10603 Riverbank Terrace
Bradenton FL 34212

Street : 10520 Portal Crossing W
Suite 105
Bradenton FL 34211

April 17, 2013

Mr. Brady Woods
Development Services Manager
Planning & Community Development
City of Bradenton
101 Old Main Street
Bradenton, FL 34205

RE : Annexation Application
PID 1123710004

Dear Mr. Woods,

Please find attached an Annexation Application for a 4.54 acre parcel located at 101 48th St Ct E, Bradenton, FL 34208, as well as the required accompanying material.

Please accept this as the letter of request to annex this property into the City.

Thank you,

Sincerely,

David McNabb
Agent for Florida Coast Development Corp.

DM/hls

Enclosures

RECEIVED
APR 30 2013
CITY OF BRADENTON
PLANNING DEPT.

City Of Bradenton
EXHIBIT B

AX. 13.00023

Phone: 941-750-6000 Fax: 941-750-9229 wodevelopment@gmail.com

Annexation Application 4/29/13

Florida Coast Development Corp.

PID 1123710004

LEGAL DESCRIPTION

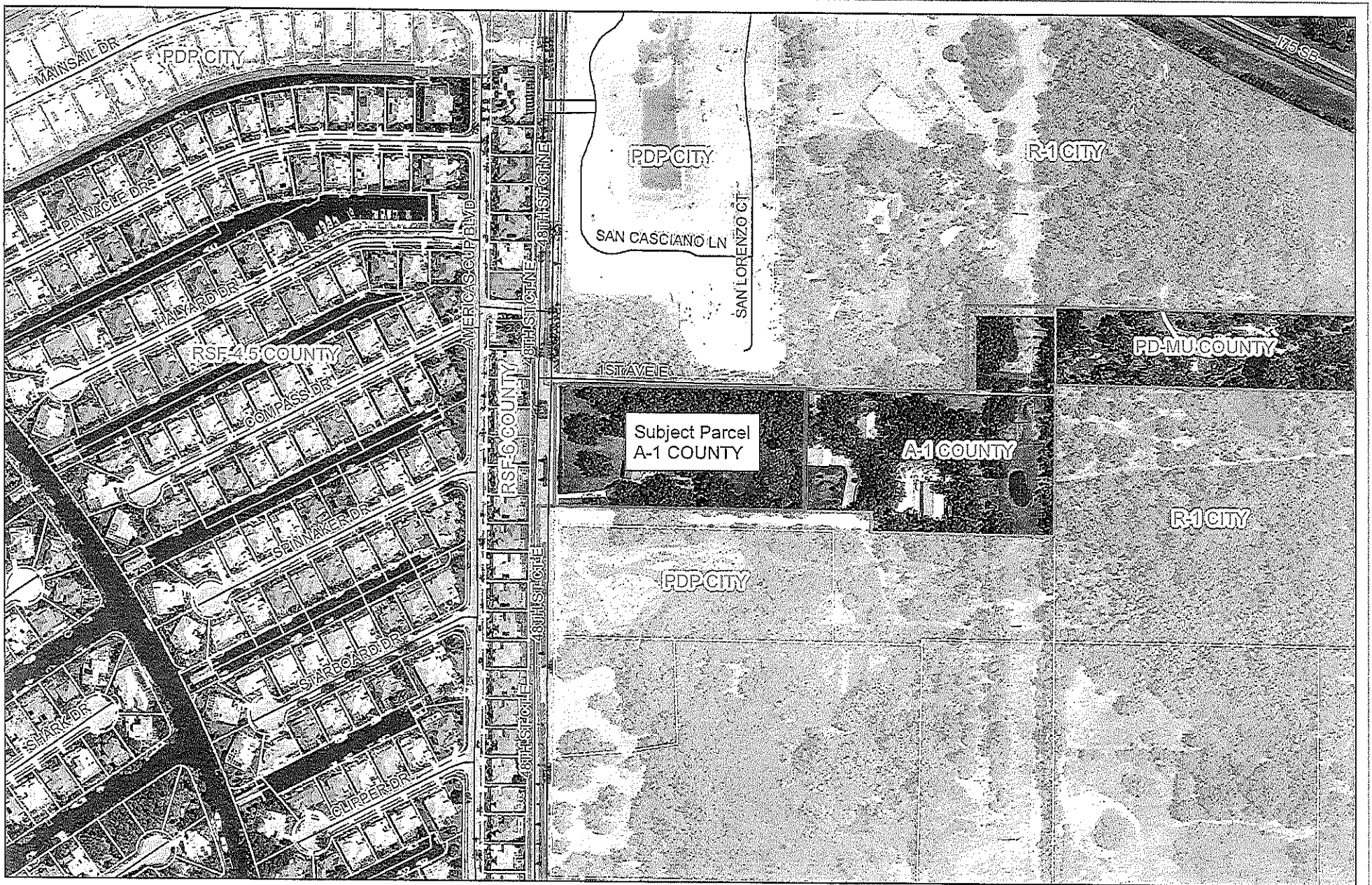
A PARCEL OF LAND LYING AND BEING IN SECTION 28, TOWNSHIP 34 SOUTH, RANGE 18 EAST, MANATEE COUNTY, FLORIDA.

COMMENCE AT THE N.W. CORNER OF N.E. 1/4 OF N.E. 1/4 OF SAID SECTION 28; THENCE S.89°08'52"E., ALONG THE NORTH LINE OF SAID SECTION 28, A DISTANCE OF 70.00 FEET TO THE INTERSECTION WITH THE EAST RIGHT OF WAY LINE OF 48TH STREET COURT EAST ; THENCE S.00°04'39"E. ALONG SAID EAST RIGHT OF WAY LINE, A DISTANCE OF 25.14 FEET FOR A POINT OF BEGINNING; THENCE CONTINUE S.00°04'39"E. ALONG SAID LINE, A DISTANCE OF 129.65 FEET; THENCE S.00°35'43"W. ALONG SAID EAST RIGHT OF WAY LINE, A DISTANCE OF 185.37 FEET; THENCE S.89°09'40"E., A DISTANCE OF 627.70 FEET; THENCE N.00°32'14"E., A DISTANCE OF 315.09 FEET; THENCE N.89°10'04"W., A DISTANCE OF 628.90 FEET TO THE POINT OF BEGINNING.

CONTAINING 197,805 SQUARE FEET OR 4.54 ACRES, MORE OR LESS.

SUBJECT TO PERTINENT EASEMENTS, RIGHTS OF WAY AND RESTRICTIONS OF RECORD, IF ANY.

AX.13.00023



CURRENT ZONING MAP

AX 13 00023
White Oak Development, Agent
Florida Development Corporation, Owner
101 48TH ST CT E

Printed: 6/27/2013 10:50:59 AM
Path: G:\GIS\MXDs\PH_Maps\AX 13 00023.mxd

GIS Data: Manatee GIS, City of Bradenton

City of Bradenton
EXHIBIT G
Prepared by Dept. of
Planning and Community Development

N

0 140 280 420 560 Feet

Legend

- Subject Parcel
- City Limits
- Parcels

RECEIVED
APR 15 2013
CITY OF BRADENTON
PLANNING DEPT.

City Of Bradenton

EXHIBIT G

AX. 13. 00023