

MANATEE COUNTY ORDINANCE
PDMU-10-16(P)(R) – PROVIDENT NATIONAL PROPERTY GROUP/WOODBROOK MIXED
USE COMMUNITY

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, REGARDING LAND DEVELOPMENT, APPROVING A REVISED PRELIMINARY SITE PLAN TO:

- ELIMINATE 28,800 SQUARE FEET OF PROPOSED COMMERCIAL USES, TWO ASSOCIATED ACCESS POINTS AND VARIOUS CONDITIONS OF APPROVAL RELATED TO THE COMMERCIAL COMPONENT;
- INCREASE THE NUMBER OF LOTS FOR SINGLE-FAMILY DETACHED RESIDENCES TO 248 FROM 213.

THE 95.11± ACRE SITE IS IN THE PDMU/WP-E/ST (PLANNED DEVELOPMENT MIXED USE/EVERS WATERSHED PROTECTION/SPECIAL TREATMENT OVERLAY DISTRICTS) ZONING DISTRICT. THE SITE IS AT THE SOUTHEAST CORNER OF LOCKWOOD RIDGE ROAD AND HONORE AVENUE, BRADENTON; SUBJECT TO STIPULATIONS AS CONDITIONS OF APPROVAL; SETTING FORTH FINDINGS; PROVIDING FOR SEVERABILITY; PROVIDING A LEGAL DESCRIPTION, AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Provident National Property Group (the "Applicant") filed an application for a revised Preliminary Site Plan to: eliminate 28,800 square feet of proposed commercial uses, two associated access points and various condition of approval related to the commercial component and increase the number of lots for single-family detached residences to 248 from 213 on approximately 95.11 acres described in Exhibit "A", attached hereto, (the "Property"); and

WHEREAS, the applicant also filed a request for a project that was previously granted Special Approval in the RES-6 Future Land Use Category; and

WHEREAS, the applicant also filed a request for a project that was previously granted Specific Approval for an alternative to the minimum width required for alleys in Section 201 of the Land Development Code, and

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

WHEREAS, the staff has found the revised Preliminary Site Plan, Special Approval and Specific Approval application consistent with the Manatee County Comprehensive Plan and to satisfy the criteria for approval in the Manatee County Land Development Code, and recommend approval subject to the revised stipulation contained in the staff report.

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

2012 MAY 14 PM 3:16
DEPARTMENT OF PLANNING
FLORIDA

FILED

Section 1. FINDINGS OF FACT. The recitals set forth above are true and correct and are hereby adopted as findings by the Board of County Commissioners.

The Board of County Commissioners, after considering the testimony, evidence, documentation, the recommendation and findings of staff, 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 staff 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 May 3, 2012 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.
- D. The Board hereby finds that the project will have no significant detrimental impacts on natural resources, adjacent land uses, or public facilities.
- E. Notwithstanding the failure of this plan to comply with the requirements of Land Development Code, the Board finds that the public purpose and intent is satisfied to an equivalent degree by the proposed design because the 16-foot and 22-foot wide alleys will be designated one-way and two-way respectively, to provide adequate access to rear garages and maneuverability for emergency vehicles.

Section 2. REVISED PRELIMINARY SITE PLAN. The revised Preliminary Site Plan is hereby approved to eliminate 28,800 square feet of proposed commercial uses, two associated access points and various conditions of approval related to the commercial component and increase the number of lots for single-family detached residences from 248 to 213 subject to the following Stipulations:

STIPULATIONS

A. Design and Land Use Conditions:

- 1. All lot owners shall be encouraged to participate in the Florida Yards and neighborhoods Program. Information shall be provided in the sales office and provided to all lot purchasers.
- 2. Corner lots shall provide a 25-foot setback from the garage to the property line adjacent to a street and a 20-foot setback from the structure (non-garage) to the property line adjacent to the other street.

3. The original expiration date for the Preliminary Site Plan shall not be changed with this approval.

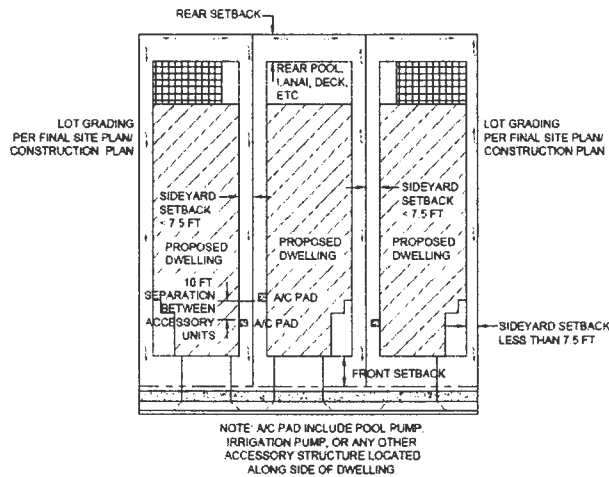
B. Environmental Planning:

1. A copy of the Environmental Resource Permit (ERP) approved by SWFWMD shall be submitted to the Natural Resources Division for review prior to Final Site Plan approval.
2. Tree barricades for trees to be preserved shall be located at the drip line, unless 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. The following activities are prohibited within the drip line of preserved trees: machinery and vehicle travel or parking; underground utilities; filling or excavation; storage of construction materials. The tree protection barricades shall consist of chain link fence (new or used) with a minimum 5' height, unless otherwise approved by the Building and Development Services Department.

C. Stormwater

1. All fill within the 100-Year Flood plain shall be compensated by the creation of an equal or greater storage volume above seasonal high water table. The 100-Year compensation shall be compensated in sole use compensation areas, not dual use facilities (i.e., stormwater attenuation and floodplain compensation), except as provided below. The applicant must demonstrate either (1) the available storage volume above the 25-Year Design High Water Level of any proposed compensation requirement or (2), provide a stormwater routing model that utilizes the Rattlesnake Slough into the on-site lakes during a 100 year, 24 hour storm event. The volume of stormwater that back feeds into the on-site lakes will be credited as floodplain compensation volume.
2. All residential lots shall be located outside of the post-development 25-year floodplain.
3. This project shall be required to reduce the calculated pre-development flow rate by fifty percent (50%) for all stormwater outfall flow directly or indirectly into Rattlesnake Slough. Modeling shall be used to determine pre-and post-development flows. Over-attenuation is not required for open space areas, upland preservation areas, wetlands and their buffers, landscape buffers or undisturbed areas. Attenuation is not required on the stormwater flows that discharge onto and through this property from adjacent roadways, subdivision, lands, etc.
4. The property is required to provide 150% water quality treatment.

5. There shall be minimum ten (10) foot separation between accessory equipment (e.g. air conditioner units, heat pumps, pumps, etc.) and structure alongside adjoining houses with aside yard of less than 7.5 feet.



Stipulations for 27-foot wide lots:

6. A minimum seven (7) foot wide Private Drainage Easement (6 feet + one foot along each side lot line) shall be dedicated between each (27' wide lot) single-family detached residence. The Drainage Easement shall be for the use of collection and conveyance of runoff from each residence.
7. The bottom of fences along each or within the Drainage Easement (Public or Private) shall be elevated above grade to allow the free flow of drainage.
8. Roof gutter shall be installed on the overhangs of each single family detached residence. Roof gutters shall drain directly into the side yard drainage easement.
9. A typical lot drainage plan and cross section(s) shall be provided for each single-family detached residence. The drainage and grading for each single-family residence shall be approved by the County.
10. The single-family detached residences constructed on 27' wide lots shall be built and graded in clusters.
11. During infrastructure construction, all lots shall be rough graded to provide positive drainage runoff off respective streets, alleys, or connection to the stormwater management system.

Section 3. SPECIAL AND SPECIFIC APPROVALS. Special Approval is hereby granted for a project previously granted Special Approval in the RES-6 Future Land Use Category. The Special Approval shall continue in effect and shall expire concurrent with the Preliminary Site Plan for the project approved pursuant to Section 2 hereof. Specific Approval is hereby granted as previously granted for an alternative to the minimum width required for alleys in Section 201 of the Land Development Code. The Specific Approval shall continue in effect and shall expire concurrent with the Preliminary Site Plan for the project approved pursuant to Section 2 hereof.

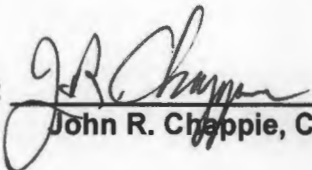
Section 4. SEVERABILITY. If any section, sentence, clause, or other provision of this Ordinance shall be held to be invalid or unconstitutional by a court of competent jurisdiction, such section, sentence, clause, or other provision shall be deemed severable, and such invalidity or unconstitutionality 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.

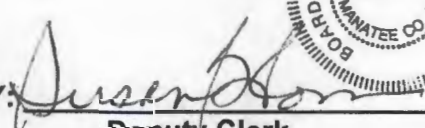
Section 6. EFFECTIVE DATE. This ordinance shall take effect immediately upon filing with the Office of the Secretary of State, Florida Department of State.

PASSED AND DULY ADOPTED, by the Board of County Commissioners of Manatee County, Florida on the 3rd day of May, 2012.

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

BY: 
John R. Chappie, Chairman

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

BY: 
Deputy Clerk




EXHIBIT "A"

Description:

A parcel of land lying in the Northeast 1/4 and the Southeast 1/4 of Section 21, Township 35 South, Range 18 East and in the Northwest 1/4 and the Southwest 1/4 of Section 22, Township 35 South, Range 18 East, Manatee County, Florida and described as follows:

Commence at the Southwest corner of the Northwest 1/4 of the Southeast 1/4 of said Section 21; thence N.89°59'17"E., a distance of 95.00 feet to the east right-of-way line of Lockwood Ridge Road (95-foot wide public right-of-way) as recorded in Official Record Book 1640, Page 573 of the Public Records of Manatee County, Florida; thence along said east right-of-way line for the following five (5) calls; (1) thence N.00°00'43"W., a distance of 705.00 feet to the point of curvature of a curve to the left having a radius of 3,319.04 feet and a central angle of 00°14'56"; (2) thence northerly along the arc of said curve, an arc distance of 14.41 feet to the POINT OF BEGINNING; (3) thence continue northerly along the arc of said curve, through a central angle of 06°50'10", a distance of 396.01 feet to a point of reverse curvature of a curve to the right having a radius of 3,229.04 feet and a central angle of 07°05'06"; (4) thence northerly along the arc of said curve, a distance of 399.29 feet to the point of tangency of said curve; (5) thence N.00°00'43"E., a distance of 1122.87 feet to a point on the south right-of-way line of Honore Avenue (120-foot wide public right-of-way) as recorded in Official Record Book 2061, Page 6455 in the above mentioned Public Records; thence along said south right-of-way line for the following three (3) calls; (1) thence S.89°37'58"E., a distance of 149.91 feet to the point of curvature of a curve to the right having a radius of 2,023.00 feet and a central angle of 34°54'05"; (2) thence southeasterly along the arc of said curve, an arc length of 1,232.30 feet to the point of tangency of said curve; (3) thence S.54°43'53"E., a distance of 424.37 feet to a point on Honore Avenue Pond Site EI, as recorded in Official Record Book 2061, Page 6455 in the above mentioned Public Records; thence S.24°13'17"E., along the west line of said Pond EI, a distance of 503.90 feet; thence S.88°59'08"E., along the south line of said Pond EI, a distance of 800.32 feet to a point on the above mentioned south right-of-way line of Honore Avenue; thence along said south right-of-way line for the following two (2) calls; (1) thence S.70°43'53"E., a distance of 425.55 feet to a point of curvature of a curve to the left having a radius of 2,143.00 feet and a central angle of 16°42'26"; (2) thence easterly along the arc of said curve a distance of 624.89 feet to a point on the south right-of-way line of Honore Avenue (120-foot wide public road easement) as recorded in Official Record Book 1582, Page 3309, (a portion of which has been vacated by Ordinance) in the above mentioned Public Records; thence along said south road easement line for the following three (3) calls; (1) thence N.89°21'08"W., a distance of 332.00 feet to a point of curvature of a curve to the right having a radius of 2,143.00 feet and a central angle of 11°17'06"; (2) thence westerly along the arc of said curve a distance of 422.09 feet to a point of reverse curvature of a curve to the left having a radius of 2,023.00 feet and a central angle of 02°53'46"; (3) thence westerly along the arc of said curve, a distance of 102.26 feet to the end of said curve; thence S.00°33'42"W., a distance of 233.81 feet to the north plat line of Carlyle at the Villages of Palm Aire, Unit 1, as recorded in Plat Book 33, Page 97, said point being the point of curvature of a non tangent curve to the left, of which the radius point lies S.02°34'17"W., a radial distance of 257.18 feet; thence along said north plat line for the following four (4) calls; (1) thence westerly along the arc of said curve, through a central angle of 22°35'36", an arc length of 101.41 feet to the point of compound curvature of a curve to the left having a radius of 542.51 feet and a central angle of 15°2'49"; (2) thence southwesterly along the arc of said curve, an arc length of 145.47 feet to the point of tangency of said curve; (3) thence S.54°36'52"W., a distance of 165.48 feet; (4) thence S.52°29'51"W., a distance of 26.07 feet to the point of curvature of a non

tangent curve to the left, of which the radius point lies S.37°30'08"E., a radial distance of 157.36 feet, said point also being a point on the north plat line of Carlyle at the Villages of Palm Aire, Unit 4, as recorded in Plat Book 36, Page 194 in the above mentioned Public Records; thence along said north plat line for the following nine (9) calls; (1) thence southwesterly along the arc of said curve, through a central angle of 14°33'13", an arc length of 39.97 feet to the point of tangency of said curve; (2) thence S.37°56'38"W., a distance of 260.64 feet; (3) thence S.61°02'31"W., a distance of 102.38 feet; (4) thence S.51°18'20"W., a distance of 362.47 feet; (5) thence S.49°13'17"W., a distance of 402.17 feet; (6) thence S.49°58'22"W., a distance of 131.64 feet to a point of curvature of a curve to the left having a radius of 135.00 feet and a central angle of 33°00'21"; (7) thence southwesterly along the arc of said curve a distance of 77.77 feet to a point of reverse curvature of a curve to the right having a radius of 100.00 feet and a central angle of 10°31'17"; (8) thence southerly along the arc of said curve, a distance of 18.36 feet to the point of tangency of said curve; (9) thence N.89°37'07"W., a distance of 142.10 feet to the Southwest corner of the Northeast 1/4 of the Southeast 1/4 of said Section 21; thence N.00°04'20"W., along the west line of said Northeast 1/4 of the Southeast 1/4, a distance of 730.18 feet; thence S.89°59'34"W., a distance of 1,225.30 feet to the POINT OF BEGINNING.

S

Containing 95.1103 acres, more or less.



STATE OF FLORIDA, COUNTY OF MANATEE
This is to certify that the foregoing is a true and correct copy of the documents on file in my office.

Witness my hand and official seal this 9th day of

May, 2012.
R.B. SHORE
Clerk of Circuit Court

By: Diane E. Vollmer D.C.



FLORIDA DEPARTMENT of STATE

RICK SCOTT
Governor

KEN DETZNER
Secretary of State

May 15, 2012

Honorable R. B. "Chips" Shore
Clerk of the Circuit Court
Manatee County
Post Office Box 25400
Bradenton, Florida 34206

RECEIVED
MAY 21 2012
BOARD RECORDS

Attention: Ms. Diane E. Vollmer, Deputy Clerk

Dear Mr. Shore:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your letter dated May 9, 2012 and certified copies of Manatee County Ordinance Nos. PDMU-10-16(P)(R), 12-11 and PDMU-05-19(G)(R5), which were filed in this office on May 14, 2012.

As requested, one date stamped copy of is being return for your records.

Sincerely,

A handwritten signature in blue ink that reads "Liz Cloud".

Liz Cloud
Program Administrator

LC/srd

Enclosure