

FILED FOR RECORD
R. B. SHORE

MANATEE COUNTY ZONING ORDINANCE

2005 JUL 11 PM 1:27 PDR-03-60(Z)(P) - CHAPMAN/HOOPER/VALENCIA GROVES

CLEAR
MANATEE COUNTY FLORIDA

AN ORDINANCE OF THE COUNTY OF MANATEE, FLORIDA, AMENDING THE OFFICIAL ZONING ATLAS OF MANATEE COUNTY, ORDINANCE NO. 90-01 (THE MANATEE COUNTY LAND DEVELOPMENT CODE) RELATING TO ZONING WITHIN THE UNINCORPORATED AREA OF MANATEE COUNTY; PROVIDING FOR THE REZONING OF APPROXIMATELY 280.57 ACRES GENERALLY LOCATED BETWEEN ERIE AND MOCCASIN WALLOW ROADS, ON THE EAST SIDE OF SAWGRASS ROAD FROM A (GENERAL AGRICULTURE, 1 DWELLING UNIT PER 5 ACRES) TO PDR (PLANNED DEVELOPMENT RESIDENTIAL); APPROVING A PRELIMINARY SITE PLAN TO ALLOW 504 LOTS FOR SINGLE-FAMILY DETACHED RESIDENCES, 120 LOTS FOR SINGLE-FAMILY ATTACHED RESIDENCES, AND A 20 ACRE SCHOOL SITE, SUBJECT TO STIPULATIONS AND CONDITIONS OF APPROVAL; GRANTING TWO SPECIAL APPROVALS FOR A PROJECT EXCEEDING ONE (1) DWELLING UNIT PER ACRE IN THE UF-3 FUTURE LAND USE CATEGORY AND ADJACENT TO A PERENNIAL STREAM; SETTING FORTH FINDINGS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, R. Tom Chapman, Maxine Hooper, and George Hooper (collectively the "Applicant") filed a rezone application to rezone approximately 280.57 acres described in Exhibit A, attached hereto, (the "Property") from the A (General Agriculture, 1 dwelling unit per 5 acres) zoning district to the PDR (Planned Development Residential) zoning district; and,

WHEREAS, the Applicant has also filed a Preliminary Site Plan application to allow 504 lots for single-family detached residences, 120 lots for single-family attached residences, and a 20 acre school site (the "Project") to be located upon the Property; and,

WHEREAS, the Applicant has also filed a request for two Special Approvals to allow for a project exceeding one (1) dwelling unit per acre in the UF-3 Future Land Use Category and adjacent to a perennial stream; and,

WHEREAS, the Planning Staff has recommended approval of the rezone, Preliminary Site Plan, and two Special Approval applications, subject to the stipulations contained in the Planning Staff report; and,

WHEREAS, the Manatee County Planning Commission, after due public notice, held a public hearing on February 10, 2005 to consider the rezone, preliminary site plan and two Special Approval applications, received the Planning Staff's recommendations and considered the criteria for approval in the Manatee County Comprehensive Plan and the Land Development Code; and,

WHEREAS, Manatee County Planning Commission, as the County's Local Planning Agency, found the rezone, preliminary site plan and two Special Approval applications consistent with the Manatee County Comprehensive Plan and to satisfy the criteria for approval in the Manatee County Land Development Code and recommended approval of the applications, subject to the stipulations contained in the Planning Staff report.

BC20050621DOC095

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

Section 1. FINDINGS OF FACT. The recitals set forth above are true and correct and are hereby adopted as findings by the Board of County Commissioners. Further, the Board of County Commissioners of said County, after considering the testimony, evidence, documentation, application for amendment of the Official Zoning Atlas, the recommendation and findings of the Planning Commission, as well as all other matters presented to the Board at the public hearing hereinafter referenced, hereby makes the following findings of fact:

A. The Board of County Commissioners has received and considered the report of the Manatee County Planning Commission concerning the application for Official Zoning Atlas Amendment as it relates to the real property described in Exhibit A of this Ordinance from the A (General Agriculture, 1 dwelling unit per 5 acres) zoning district to the PDR (Planned Development Residential) zoning district.

B. The Board of County Commissioners held a public hearing on June 21, 2005 regarding said proposed Official Zoning Atlas Amendment 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 said public hearing.

C. The proposed amendment to the Official Zoning Atlas 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 2. (A)The Preliminary Site Plan is hereby APPROVED to allow 504 lots for single-family detached residences, 120 lots for single-family attached residences, and a 20 acre school site upon the Property, subject to the Stipulations set out below.

(B)The Board of County Commissioners hereby GRANTS two Special Approvals for a project: with a gross density exceeding 1 dwelling unit per acre in the UF-3 Future Land Use Category in accordance with Policy 2.2.1.11.4 , Future Land Use Element, Manatee County Comprehensive Plan; and adjacent to a perennial stream.

The approvals in Section 2 hereof are subject to the following Stipulations:

1. The maximum number of residential lots approved for this project is 624. This number of units was determined after consideration of the donation of the 20 acre site for school purposes, and the other contributions for school development as identified in Stipulation #18.
2. This project shall comply with Sections 604.10.3.5 and 604.10.3.6 regarding the North Central Overlay District buffers, unless identified on the Preliminary Site Plan as exceeding this requirement.
3. Land clearing shall not commence until a Final Site Plan and Construction Plans have been approved. Land clearing, tree removal, or grading shall be limited to the specific phase receiving approval. 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 reviewed and approved by the Natural Resources Division with the Final Site Plan and Construction Plan submittal. Generally, the dripline (one foot for each inch of d.b.h.) of all trees to be retained on site shall be protected from construction activity.

4. Unless otherwise approved by Natural Resources Division of the Planning Department, native or drought tolerant plants shall be utilized in common areas. 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. The Homeowner's documents, disclosure statements, and Final Site Plans shall include language to inform homeowners in the project of these requirements.
5. The 20' wide greenbelt buffer along the 330 foot FP&L easement shall contain a row of canopy trees (10 ft. tall, 4 ft. spread) planted 40 feet on center.
6. The Notice to Buyers shall be included in the Declaration of Covenants and Restrictions and in the Sales Contract or a separate addendum to the sales contract, and Final Site Plan(s) that includes language informing prospective home owners of:
 - a. The presence of neighboring agricultural uses, which may possibly include pesticides and herbicides and may have odors and noises associated with such uses.
 - b. The 20-acre parcel abutting Moccasin Wallow Road may be utilized as a school site.
 - c. Manatee County shall carry conveyance maintenance of Buffalo Canal flowline and its southern embankment on an as needed basis. Manatee County will not be responsible for mowing, beautification, and erosion beyond the southern top-of-bank of Buffalo Canal.
 - d. The potential utilization of the adjacent railroad right-of-way in the future for rail including commuter and light rail.
 - e. The provision of a pedestrian easement from Erie Road to the school site.
7. The design and shielding of any on-site lighting for the common areas shall comply with Section 709.2.2 of the Land Development Code. In addition, pole and building mounted lights shall be limited to 15' 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.

8. All recreational areas, including pocket parks, shall include commercial grade park benches and shade trees. The number and location shall be determined at time of Final Site Plan approval.
9. The maintenance free product on the west of the project shall have 20' front yard setbacks and the required 20' rear yards. All other remaining single-family detached units shall have 25' front yards and 15' rear yards.
10. A traffic circle or landscape median shall be provided on the north south street between Lots 261 and 307 to address traffic calming and provide visual relief from the repetition of lots fronting this roadway.
11. All pedestrian paths and trails shall be at least 5 feet wide and be paved or have a 4 inch compacted shell surface, to be approved with the Final Site Plan.
12. The pool/cabana in the western park shall be shifted to the north or south side of this parcel to provide a larger usable area for a playfield.
13. The walkway between Lots 136 and 137 and Lots 282 and 283 shall be within common open space at least 20 feet wide. The walkway shall have 5 foot wide paved surface.
14. Notwithstanding the linear path shown on the Preliminary Site Plan north of the FP&L railroad, a 15 foot wide greenway trail easement for non-motorized multi-use activities shall be dedicated to Manatee County to facilitate the Greenways Master Plan in the following locations as depicted on the Preliminary Site Plan:
 - A. Area south of Lots 196 - 213
 - B. Area south of Lots 216 - 218
 - C. Area south of Lots 223 - 226

Details for the Greenway Trail Easement shall be approved by Manatee County prior to Final Site Plan. The applicant shall not be responsible for the design or construction of the county Greenway Trail.

All required landscaping shall be outside of linear path and greenway trail easement.

15. The applicant shall provide a school bus turnaround between the Erie Road entrance and Lot 1. The turnaround shall comply with the design standards specified by the School Board to accommodate a bus. In addition to the turnaround, this area shall include a shelter (at least 10' x 15'), a bike rack, and parking spaces to accommodate the estimated needs of the development. Final design shall be approved by the School Board staff prior to Final Site Plan approval and improvements completed prior to Final Plat approval for Phase I. Lot 1 shall be shifted westward or eliminated if additional area is required to accommodate this facility. The applicant shall provide the school board with the ability to access through any gates that may be installed at this entrance.
16. A Preliminary Site Plan for the school site shall be submitted to the Board of County Commissioners for review and approval. The Board's review shall be to determine compatibility, design, and relationship to the adjacent property.

The 20 acre site shall be donated, for \$1 or other valuable consideration, to the County, by an agreement in a form of which is acceptable to the County Attorney's Office, for future use as a school. The site shall be as generally configured on the site plan as may be adjusted to accommodate for future right-of-way dedication. The applicant shall not be entitled to Impact Fee credits for this donation. Additionally, the applicant shall do the following to further construction of the school:

- a. Provide stub-outs for water and sewer of adequate size to accommodate an 820 seat school;
 - b. Construct and maintain stormwater ponds;
 - c. Construct buffer wall as indicated during the presentation; and
 - d. Construct access to the school site.
17. Each single-family detached unit shall contain a minimum living area of 1,200 square feet and a one car garage. Building elevations shall be substantially consistent with attached Exhibit B.

Utilities/Transportation

18. Reclaimed water or other non-potable water source shall be used for irrigation.
19. A 25' wide Drainage and Maintenance Access Easement along Buffalo Canal shall be dedicated to Manatee County and shown on the Final Site Plans and Final Subdivision Plats. The easement shall be on clear and level ground and free of landscaping.
20. The 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 Buffalo Canal. Modeling shall be used to determine pre and post-development flows. 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 site runoff.
21. There shall be a full 25-year attenuation on all stormwater ponds within the development.
22. The existing 25-year flood elevation along the Buffalo Canal shall be utilized as tailwater condition.
23. Any entrance gates to the project shall be accessible to all emergency services providers with remote control or siren activated systems as approved with the Final Site Plan.
24. Prior to Final Site Plan approval, the engineer of record or architect must provide documentation to prove that concurrency has been met relative to fire flow per Comprehensive Plan Policy 9.6.1.4.
25. This project shall not be required to provide right-of-way for Chin Road as designated on the Comprehensive Plan, unless the anticipated amendment to the Comprehensive Plan

to relocate the Chin Road alignment to the east is rejected by the BOCC prior to Final Site Plan approval of this project.

Right-of-way for Chin Road through this project shall be reserved as identified on the Comprehensive Plan. However, if the Comprehensive Plan is amended to shift this thoroughfare road off this site or to otherwise eliminate it, this reservation shall not be required.

26. Prior to the first Final Site Plan approval, the applicant shall demonstrate the legal ability to provide a road crossing of the FP&L railroad, and any additional right-of-way on the north side of Erie Road necessary for the required left turn lane at the Erie Road entrance.
27. The applicant shall construct a five foot wide sidewalk or other alternative pursuant to Land Development Code Section 719 along Erie Road or contribute the cost of a 5' concrete sidewalk along to the sidewalk fund.
28. The design for the entrances and clubhouse facility shall be in substantial conformance with the artist's renderings entered into the record for this case.
29. The perimeter lots along Moccasin Wallow Road shall be restricted to single-family detached homes with only one story, and a maximum height of 22', as building height is defined in the Land Development Code. Any pool cages or other screened cage, 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 project.
30. The applicant shall dedicate sufficient right-of-way to make one-half of a 6 lane suburban configuration for Moccasin Wallow Road from it's remaining property (100 feet of a 200 foot requirement). This shall be shown on all Final Site Plans and plats. Additionally, right-of-way shall be dedicated as required to accommodate a signalized intersection. The dedication of this right-of-way shall not be Impact Fee creditable.
31. The project shall design it's project stormwater system to handle stormwater attenuation for Moccasin Wallow Road.
32. The southern entrance road shall be relocated to the east as demonstrated at the hearing. The entrance road shall enter at approximately Lot 210.
33. A pedestrian easement shall be provided for access from Erie Road to the school site.
34. If the Woodhaven School site located on Martha Road has been purchased by the Manatee County School Board prior to submittal of the Final Plat for the last phase of Valencia Groves, then the applicant shall contribute \$90,000 to the Manatee County School Board for construction of a road connecting the Woodhaven School site to the proposed County north-south thoroughfare.

Section 3. AMENDMENT OF THE OFFICIAL ZONING ATLAS. The Official Zoning Atlas of Manatee County, Ordinance No. 90-01, the Manatee County Land Development Code, is hereby amended by changing the zoning district classification of the Property identified in Exhibit A herein from the A (General Agriculture, 1 dwelling unit per 5 acres) zoning district to PDR (Planned Development Residential) zoning district, and the Clerk of the Circuit Court, as Clerk to the Board of County Commissioners, as well as the Planning Department, are hereby instructed to cause such amendment to the said Official Zoning Atlas.

Section 4. LEGAL DESCRIPTION.

LEGAL DESCRIPTION: (OFFICIAL RECORD BOOK 88, PAGE 88, PAGE 405)

FROM THE NORTHEAST CORNER OF THE SOUTHEAST $\frac{1}{4}$ OF SECTION 19, TOWNSHIP 33 SOUTH, RANGE 19 EAST, MANATEE COUNTY, FLORIDA AND GO WEST 1,980 FEET TO THE POINT OF BEGINNING; THENCE GO SOUTH ON A ANGLE TO THE LEFT OF $91^{\circ} 11'$, A DISTANCE OF 1,734 FEET TO THE CENTER OF BUFFALO CANAL; THENCE GO WESTERLY ALONG THE CENTER OF SAID BUFFALO CANAL, A DISTANCE OF 1,320 FEET TO A POINT; THENCE GO NORTHERLY 1,813 FEET TO POINT 1,320 FEET WEST OF THE POINT OF BEGINNING; THENCE GO EASTERLY, ALONG THE NORTH LINE OF THE SOUTH $\frac{1}{2}$ OF SAID SECTION 19, A DISTANCE OF 1,320 FEET TO THE POINT OF BEGINNING. LESS THE NORTH 35 FEET FOR ROAD.

CONTAINING 53.4 ACRES MORE OR LESS.

NOTES:

1. BEARINGS REFER TO THE NORTH LINE OF THE SW $\frac{1}{4}$ OF SECTION 19 BEING $S 89^{\circ} 25' 15'' E$ AS PER DEED RECORDED IN OFFICIAL RECORD BOOK 481, PAGE 76, PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA
2. UNDERGROUND ENCROACHMENTS OR IMPROVEMENTS, IF ANY, NOT LOCATED FOR PURPOSES OF THIS SURVEY
3. THE SUBJECT LAND LIES IN ZONE C OF THE FLOOD INSURANCE RATE MAP, COMMUNITY PANEL NUMBER 120153-0205-B (DATED 3/15/84), SUBJECT TO VERIFICATION

THIS SUREVEY HAS BEEN PREPARED WITHOUT THE BENEFIT OF A CURRENT TITLE REPORT AND THEREFORE MAY NOT INDICATE ALL ENCUMBRANCES ON SAID PROPERTY.

BEGIN AT THE NE CORNER OF THE NE $\frac{1}{4}$ OF THE NW $\frac{1}{4}$ OF THE NW $\frac{1}{4}$ OF SECTION 25, TOWNSHIP 33 SOUTH, RANGE 18 EAST, THENCE $S 2^{\circ} 36' E$ A DISTANCE OF 661.74 FEET TO THE CENTER OF A GRADED ROAD THE POINT OF BEGINNING THENCE $S 86^{\circ} 52' 20'' W$, ALONG THE CENTER OF SAID GRADED ROAD, 855.85 FEET; THENCE $S 3^{\circ} 04' 40'' E$ 184.83 FEET; THENCE $S 81^{\circ} 34' 10'' W$ 262.6 FEET TO THE EASTERLY R/W LINE OF SAWGRASS ROAD; THENCE $S 14^{\circ} 35' 30'' E$, ALONG SAID R/W LINE, 592.25 FEET TO THE SOUTH LINE OF THE NE $\frac{1}{4}$ OF SAID SECTION 25; THENCE $N 83^{\circ} 32' 30'' E$ 1654.85 FEET; THENCE $N 83^{\circ} 47' 30'' E$ 1104.45 FEET; THENCE $S 2^{\circ} 44' E$ 850.5 FEET TO THREE NORTHERLY RIGHT OF WAY LINE OF THE S.A.L. RAILROAD (NOW THE S.C.L. RAILROAD); THENCE $N 73^{\circ} 34' E$, ALONG SAID R/W LINE, 904.2 FEET; THENCE $N 2^{\circ} 11' 30'' W$ ALONG THE RANGE LINE BETWEEN RANGES 18 AND 19 A DISTANCE OF 690.55 FEET; THENCE $S 83^{\circ} 47' 30'' W$ 671.45 FEET; THENCE $N 2^{\circ} 10' 40'' W$ 622.62 FEET TO THE CENTER OF THE AFOREMENTIONED GRADED ROAD; THENCE $S 86^{\circ} 52' 20'' W$ ALONG THE CENTER OF SAID ROAD; 1980 FEET TO THE P.O.B.

CONTAINING 64.45 ACRES MORE OR LESS

ALSO:

BEGIN AT THE NW CORNER OF THE NE ¼ OF SECTION 25, TOWNSHIP 33 SOUTH, RANGE 18 EAST; THENCE S 2° 36' E 661.7 FEET TO THE CENTER OF A GRADED ROAD; THENCE N 86° 52' 20" E, ALONG THE CENTER OF SAID GRADED ROAD, 1980 FEET FOR THE POINT OF BEGINNING; THENCE N 2° 10' 40" W 1335 FEET, MORE OR LESS, TO THE CENTER OF THE BUFFALO CANAL; THENCE EASTERLY ALONG THE CENTER OF SAID BUFFALO CANAL, 700 FEET, MORE OR LESS TO THE EAST LINE OF SECTION 24, TOWNSHIP 33 SOUTH, RANGE 18 EAST; THENCE S 0° 07' 30" W, ALONG THE RANGE LINE BETWEEN RANGES 18 AND 19 A DISTANCE OF 785 FEET, MORE OR LESS TO THE SE CORNER OF SAID SECTION 24 (ALSO KNOWN AS THE NE CORNER OF SAID SECTION 25; THENCE S 2° 11' 30" E, ALONG SAID RANGE LINE, 1102.54 FEET; THENCE S 83° 47' 30" W 671.45 FEET, THENCE N 2° 10' 40" W 622.62 FEET TO THE P.O.B. CONTAINING 29.82 ACRES MORE OR LESS.

ALSO:

THAT PART OF THE SE ¼ OF SECTION 19, TOWNSHIP 33 SOUTH, RANGE 19 EAST, LYING SOUTH OF THE CENTER LINE OF BUFFALO CANAL.

CONTAINING 42.8 ACRES MORE OR LESS AND SUBJECT TO EASEMENT, IF ANY, FOR BUFFALO CANAL.

ALSO:

THAT PART OF THE NW ¼ OF SECTION 30, TOWNSHIP 33 SOUTH, RANGE 19 EAST, LYING NORTH OF SEABOARD AIRLINE RAILROAD RIGHT OF WAY, NOW SEABOARD COAST LINE RAILROAD.

ALL THE ABOVE LYING IN MANATEE COUNTY, FLORIDA AND CONTAINING 227.17 ACRES MORE OR LESS AND SUBJECT TO EASEMENT OVER THE EAST 330 FEET OF THE WEST ¼ OF SEC. 25-33-18.

Section 5. EFFECTIVE DATE. This ordinance shall take effect immediately upon filing with the Office of the Secretary of State, Florida Department of State.

PASSED AND DULY ADOPTED, by the Board of County Commissioners of Manatee County, Florida on the 21st day of June, 2005.

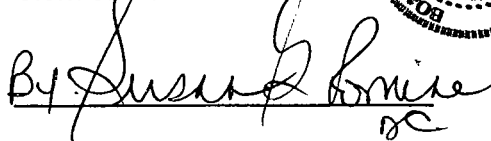
BOARD OF COUNTY COMMISSIONERS
OF MANATEE COUNTY, FLORIDA

BY: 

Third Vice-Chairman



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

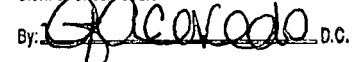

R.B. Shore



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 30th day of June, 2005

R.B. SHORE
Clerk of Circuit Court

By:  D.C.

FILED FOR RECORD
R. B. SHORE

2005 JUL 11 PM 1:27

CLERK OF CIRCUIT COURT
MANATEE CO. FLORIDA



FLORIDA DEPARTMENT OF STATE
Glenda E. Hood
Secretary of State
DIVISION OF LIBRARY AND INFORMATION SERVICES

July 6, 2005

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

Attention: Quantana Acevedo, Deputy Clerk

Dear Mr. Shore:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your letters dated June 30, 2005 and July 1, 2005 respectively and certified copies of Manatee County Ordinance Nos. 05-33, PDR-04-45(Z)(P) and PDR-03-60(Z)(P), which were filed in this office on July 5, 2005.

As requested, the date stamped copies are being returned for your records.

Sincerely,

A handwritten signature in cursive script that reads "Liz Cloud".

Liz Cloud
Program Administrator

LC/kcs

Enclosures