

FILED FOR RECORD  
R. B. SHORE

2007 JUN 21 PM 4:14

**MANATEE COUNTY ORDINANCE  
PDR-03-63(P) – STONEBRIDGE SUBDIVISION**

CLERK OF THE CIRCUIT COURT  
MANATEE COUNTY, FLORIDA  
**AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF  
MANATEE COUNTY, FLORIDA, REGARDING LAND DEVELOPMENT,  
APPROVING A PRELIMINARY SITE PLAN FOR 28 LOTS FOR SINGLE-  
FAMILY DETACHED RESIDENCES ON APPROXIMATELY 48.41 ACRES ON  
THE SOUTH SIDE OF WHITFIELD AVENUE SOUTH TO THE TRAILS  
SUBDIVISION; SUBJECT TO STIPULATIONS AS CONDITIONS OF  
APPROVAL; SETTING FORTH FINDINGS; PROVIDING A LEGAL  
DESCRIPTION; PROVIDING FOR SEVERABILITY, AND PROVIDING AN  
EFFECTIVE DATE.**

**WHEREAS**, Sandler at Manatee, LLC (the "Applicant") has filed an application for a Preliminary Site Plan for approximately 48.41 acres described in Exhibit "A", attached hereto, (the "Property") for 28 lots for single-family detached residences; and

**WHEREAS**, the Applicant has also requested Special Approval for a project: 1) in the Evers Watershed Overlay District, and 2) adjacent to a perennial stream; and

**WHEREAS**, Planning Department staff recommended approval of the Preliminary Site Plan and Special Approval applications, subject to the stipulations contained in the staff report; and

**WHEREAS**, the Manatee County Planning Commission, after due public notice, held public hearings on May 10, 2007 and May 23, 2007 to consider the Preliminary Site Plan application, received the staff's recommendation, and considered the criteria for approval in the Manatee County Comprehensive Plan and the Land Development Code; and

**WHEREAS**, the Manatee County Planning Commission, as the County's Local Planning Agency, found the Preliminary Site Plan and Special Approval applications consistent with the Manatee County Comprehensive Plan and to satisfy the criteria for approval in the Manatee County Land Development Code, recommended approval of the application, 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. 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 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 a Preliminary Site Plan as it relates to the real property described in Exhibit "A" of this Ordinance.

- B. The Board of County Commissioners held duly noticed public hearings on May 24, 2007 and June 12, 2007 regarding the proposed 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 2. PRELIMINARY SITE PLAN. The Preliminary Site Plan is hereby approved for 27 lots for single-family detached residences subject to the stipulations below. The Board hereby GRANTS Special Approval for project: 1) in the Evers Watershed Overlay District, and 2) adjacent to a perennial stream with the following stipulations:

#### STIPULATIONS

##### 1. Design

- A. No lots shall be platted through any greenbelt, wetland, stormwater pond, floodplain compensation area, or wetland buffer.
- B. The minimum front yard setback shall be 25' to the garage portion of the structure. The remaining habitable portion of the structure may be set back 20'. The minimum front yard setback for structures with side loaded garages shall be 20'.
- C. To mitigate noise exposure to residences near the thoroughfares Tuttle Avenue and Whitfield Avenue, the roadway buffers adjacent to residential lots shall have a solid wall with a minimum height of six feet above the elevation of the crown of the adjacent thoroughfare road. All required landscaping shall occupy the area between the wall and the thoroughfare road.

##### 2. Environmental

- A. This project has been reviewed under Uniform Mitigation Assessment Methodology (UMAM) guidelines; therefore, compliance with County wetland mitigation ratios will not be required. Due to road alignment constraints, 1.0 acre of wetland creation is required and provided as mitigation for 0.49 acres of wetland impacts.
- B. Prior to Certificate of Occupancy issuance/Final Plat approval, a Conservation Easement for the areas defined as post-development jurisdictional wetlands/wetland buffers shall be dedicated to the County in accordance with Section 719.11.1.3 of the LDC.
- C. Upland buffer restoration shall be required for all upland portions of the 50' wetland buffer adjacent to Rattlesnake Slough that are not within the spillway footprints associated with the floodplain compensation area.

- D. Unless otherwise approved by the Planning Department in a Final Site Plan, all aspects of construction of this project shall occur in accordance with the biological opinion letter issued by U.S. Fish & Wildlife Service, dated July 25, 2005.
- E. An approved SWFWMD permit shall be provided to the Planning Department prior to Final Site Plan approval.
- F. The lowest possible quality of water shall be used for irrigation. In-ground irrigation using Manatee County public potable water supply shall be prohibited, including on individual lots.

3. Stormwater and Drainage

- A. The crossing of Rattlesnake Slough shall be designed to be above the 100-year storm event and create no rise in the 100-year flood stage upstream of the crossing.
- B. Final engineering drainage design must be approved prior to Final Site Plan approval, including the following:
  - 1. Any fill within the 25-year or 100-year floodplains of the Rattlesnake Slough shall be compensated by the creation of an equal or greater storage volume above seasonal high water table. 100-year and 25-year floodplain compensation shall be compensated in sole use compensation areas, not dual use facilities, e.g., not in combination with stormwater attenuation.
  - 2. There shall be a full 25-year attenuation on all stormwater ponds within the development.
  - 3. The existing 25-year flood elevation along the Rattlesnake Slough shall be utilized as tailwater condition.
  - 4. This project shall be required to reduce the calculated pre-development flow rate by 50% for all stormwater outfall directly or indirectly into Rattlesnake Slough. Modeling shall be used to determine pre- and post-development flows.
  - 5. This project shall be required to provide 150% water quality treatment for Rattlesnake Slough
- C. A Drainage Easement shall be dedicated to Manatee County and be shown on the Final Site Plan and Final Plat along Rattlesnake Slough within the project boundaries. In addition, a Drainage-Maintenance Access Easement shall be provided along Rattlesnake Slough. Drainage-Maintenance Access Easements shall be on clear and level ground, free of obstructions including landscaping. Manatee County is only responsible for maintaining the free flow of drainage through these systems.

- D. All residential lots shall be located outside of the post-development 25-year floodplain.
- E. Routing and modeling of the existing conditions shall be provided with the Drainage Model and Construction Plan for all natural drainage systems within and surrounding this project taking into consideration all wetland storage and ground depressions.
- F. 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, or runoff.
- G. The Final Site Plan shall indicate that the minimum lot elevation, relative to the elevation of the street, will comply with Section 702.9 of the Land Development Code
- H. All manholes in this phase of this development that are located in the 100 year flood line shall be designed to Section 718.6.1.4. and Section 722.1.8.1.8. of the Manatee County Land Development Code. All new sewerage and waste disposal systems shall be located and designed to avoid impairment to the flood plain; minimize contamination to the flood plain and eliminate infiltration of flood waters; and prevent contamination of the aquifers.
- I. All residential lots shall be located outside of the post-development 25-year floodplain
- J. All roadway construction within the 100-year floodplain shall be elevated above the FEMA-mapped 100-year elevation.
- K. The Final Site Plan 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.
- L. The Final Site Plan and Construction Plans shall demonstrate that all lots shall be graded in compliance with resolution 06-15.

Section 3. 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 4. 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 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 12<sup>th</sup> day of June, 2007.

BY: BOARD OF COUNTY  
COMMISSIONERS  
MANATEE COUNTY, FLORIDA

BY: 

Chairman

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

BY: 

Deputy Clerk



EXHIBIT "A"

LEGAL DESCRIPTION OF THE PROPERTY

DESCRIPTION: PARCEL B (SOUTH)

Commencing at the Southeast Corner of Section 20, Township 35 South, Range 18 East, thence run N.89°44'07" W., along the South line of said Section 20, a distance of 1344.20 feet; thence S.00°38'44" W., along the Easterly right of way line of Prospect Road (36<sup>th</sup> Street East), a distance of 47.31 feet to the Point of Beginning; thence Easterly along the Southerly right of way line of a proposed extension to Whitfield Avenue the following seven courses: thence S.89°59'20" E., a distance of 137.20 feet to the point of curvature of a curve to the left having a radius of 685.00 feet; thence Easterly along the arc of said curve to the left, a distance of 390.85 feet through a central angle of 32°41'33" to the point of tangency; thence N.57°19'07" E., a distance of 637.02 feet to the point of curvature of a curve to the right having a radius of 516.00 feet; thence Easterly along the arc of said curve to the right, a distance of 570.20 feet; through a central angle of 63°18'51" to the point of tangency; thence S.59°22'03"E., a distance of 740.29 feet to the point of curvature with a curve to the left having a radius of 720.00 feet; thence Easterly along the arc of said curve to the left, a distance of 385.11 feet through a central angle of 30°38'46" thence N.89°59'12"E., a distance of 72.06 feet to the end of said Southerly right of way line; thence S.00°31'39"W., along the East line of the Northwest 1/4 of the Northwest 1/4, Section 28 Township 35 South, Range 18 East, a distance of 1276.95 feet; thence N.89°40'54"W, along the South line of said Northwest 1/4 of the Northwest 1/4, a distance of 1313.98 feet; thence N.00°24'55"E, along the West line of said Section 28, a distance of 1105.11 feet; thence S.89°55'27" W., along the South line of the North 221.2 feet of the Northeast 1/4 of the Northeast 1/4 of Section 29, Township 35 South, Range 18 East, a distance of 1345.17 feet; thence N.00°38'44"E., along the aforementioned East right of way line of Prospect Road (36<sup>th</sup> Street East), a distance of 181.88 feet to the Point of Beginning.

LESS AND EXCEPT:

STONEBRIAR-LEVITT OFFSITE PURCHASE

Commence at the Southeast Corner of the Southeast 1/4 of the Southeast 1/4 of Section 20, Township 35 South, Range 18 East, Manatee County, Florida; thence N.89°44'07"W. along the South line of said Southeast 1/4 of the Southeast 1/4, a distance of 875.22 feet to the Point of Beginning; also being a point on the arc of a curve to the right whose radius point bears N.27°26'57"W., at a distance of 721.00 feet; thence Southwesterly along the arc of said curve through a central angle of 27°27'36", a distance of 345.55 feet to a point of tangency; thence N.89°59'20"W., a distance of 64.40 feet; thence S.09°18'46"E., a distance of 122.34 feet; thence S.50°59'29"E., a distance of 39.66 feet; thence S.89°55'27"W., a distance of 125.27 feet to an intersection with the Easterly right of way line of Prospect Road (36<sup>th</sup> Street East); thence N.00°38'44"E., along said Easterly right of way line, a distance of 181.88 feet; thence S.89°59'20"E, a distance of 137.02 feet to the point of curvature of a curve to the left having a radius of 685.00 feet; thence Northeasterly along the arc of said curve through a central angle of

32°41'33", a distance of 390.85 feet to a point of tangency; thence N.57°19'07"E., a distance of 637.02 feet to the point of curvature of a curve to the right having a radius of 516.00 feet; thence Easterly along the arc of said curve through a central angle of 63°18'51", a distance of 570.20 feet to a point of tangency; thence S.59°22'03"E., a distance of 740.29 feet to the point of curvature of a curve to the left having a radius of 720.00 feet; thence Southeasterly along the arc of said curve through a central angle of 15°59'58", a distance of 201.06 feet; thence S.55°29'54"W., a distance of 52.86 feet thence S.64°50'35"W., a distance of 32.88 feet; thence S.64°04'12"W., a distance of 37.12 feet; thence S.14°10'25"W., a distance of 9.72 feet; thence S.24°01'04"E., a distance of 37.56 feet; thence S.15°55'19"W., a distance of 16.42 feet; thence S.46°06'52"W., a distance of 65.19 feet; thence N.87°17'51"W., a distance of 104.97 feet; thence S.83°25'51"W., a distance of 46.56 feet; thence N.72°01'38"W., a distance of 13.68 feet; thence N.13°17'08"W., a distance of 22.81 feet; thence N.29°41'42"E., a distance of 27.45 feet; thence N.20°58'28"W., a distance of 70.21 feet; thence S.89°07'56"W., a distance of 75.14 feet; thence S.79°31'43"W., a distance of 65.31 feet; thence S.60°58'44"W., a distance of 98.53 feet; thence S.26°03'18"W., a distance of 77.31 feet; thence S.12°56'07"E., a distance of 143.19 feet; thence S.31°00'49"E., a distance of 96.84 feet; thence S.03°18'34"E., a distance of 34.18 feet; thence S.27°07'32"E., a distance of 36.98 feet; thence S.36°13'59"E., a distance of 62.91 feet; thence S.74°44'28"E., a distance of 48.12 feet; thence S.57°07'47"E., a distance of 18.53 feet; thence S.24°58'11"E., a distance of 18.99 feet; thence S.07°41'08"E., a distance of 52.88 feet; thence S.27°29'43"E., a distance of 65.07 feet; thence S.59°18'44"E., a distance of 41.15 feet; thence N.74°50'03"E., a distance of 10.64 feet; thence N.18°38'35"E., a distance of 55.21 feet; thence N.05°34'36"E., a distance of 54.60 feet; thence N.50°10'01"E., a distance of 28.42 feet; thence S.78°24'28"E., a distance of 41.76 feet; thence N.63°10'49"E., a distance of 39.36 feet; thence N.18°18'59"E., a distance of 34.98 feet; thence N.33°46'15"W., a distance of 25.18 feet; thence N.04°40'39"E., a distance of 38.99 feet; thence N.27°59'10"W., a distance of 57.50 feet; thence N.20°43'45"E., a distance of 65.76 feet; thence N.82°30'17"E., a distance of 34.54 feet; thence S.45°10'44"E., a distance of 34.17 feet; thence S.05°38'45"W., a distance of 217.90 feet; thence S.28°52'16"E., a distance of 107.41 feet; thence S.15°15'48"E., a distance of 71.50 feet; thence S.39°25'00"E., a distance of 75.76 feet; thence S.04°45'59"W., a distance of 75.51 feet; thence S.57°32'36"E., a distance of 27.26 feet; thence N.42°17'23"E., a distance of 62.16 feet; thence N.79°55'30"E., a distance of 95.59 feet; thence N.85°06'02"E., a distance of 116.31 feet to an intersection with the East line of the Northwest 1/4 of the Northwest 1/4 of Section 28, Township 35 South, Range 18 East, Manatee County, Florida; thence S.00°31'39"W., along said East line, a distance of 225.79 feet; thence N.89°28'21"W., a distance of 510.52 feet; thence N.29°38'11"E., a distance of 63.52 feet; thence N.17°25'30"E., a distance of 75.22 feet; thence N.84°57'41"W., a distance of 55.90 feet; thence N.70°01'52"W., a distance of 53.23 feet; thence N.57°44'39"W., a distance of 63.88 feet; thence N.44°50'43"W., a distance of 76.55 feet; thence N.26°54'02"W., a distance of 35.21 feet; thence N.85°20'39"W., a distance of 29.76 feet; thence N.26°49'48"W., a distance of 65.41 feet; thence N.07°22'21"W., a distance of 145.14 feet; thence N.03°31'18"W., a distance of 22.90 feet; thence N.36°13'59"W., a distance of 48.03 feet; thence N.27°07'32"W., a distance of 58.85 feet; thence N.03°18'34"W., a distance of 31.49 feet; thence N.31°00'49"W., a distance of 90.26 feet; thence N.12°56'07"W., a distance of 181.82 feet; thence N.26°03'18"E., a distance of 127.64 feet; thence N.60°58'44"E., a distance of 134.50 feet; thence N.41°02'39"E., a distance of 181.39 feet; thence N.59°22'03"W., a distance of 544.01 feet to the point of curvature of a curve to the left having a radius of 480.00 feet; thence Westerly along the arc of said curve through a central angle of 63°18'51", a distance of 530.42 feet to a point of tangency; thence S.57°19'07"W., a distance of 637.02 feet to the point of curvature of a curve to the right having a radius of 721.00 feet; thence Southwesterly along the arc of said curve through a central angle of 05°13'56", a distance of

65.84 feet to the Point of Beginning. Lying and being in Sections 20, 21, 28 and 29, Township 35 South, Range 18 East, Manatee County, Florida (Containing 10.29 acres, more or less).

Lying and being in Section 20, 21, 28 and 29, Township 35 South, Range 18 East, Manatee County, Florida.

Containing 48.41 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 15<sup>th</sup> day of

June, 2007

R.B. SHORE  
Clerk of Circuit Court

By: Maggie Hamilton D.C.





## FLORIDA DEPARTMENT of STATE

**CHARLIE CRIST**  
Governor

STATE LIBRARY AND ARCHIVES OF FLORIDA

**KURT S. BROWNING**  
Secretary of State

June 18, 2007

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

Attention: Maggie Hamilton, Deputy Clerk

Dear Mr. Shore:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your letters dated June 15, 2007, and certified copies of Manatee County Ordinance Nos. PDR 03-63(P) and 07-60, which were filed in this office on June 18, 2007.

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

Sincerely,

Liz Cloud  
Program Administrator

LC/lbh  
Enclosure

### DIRECTOR'S OFFICE

R.A. Gray Building • 500 South Bronough Street • Tallahassee, Florida 32399-0250  
850.245.6600 • FAX: 850.245.6735 • TDD: 850.922.4085 • <http://dls.dos.state.fl.us>

COMMUNITY DEVELOPMENT  
850.245.6600 • FAX: 850.245.6643

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