

FILED FOR RECORD
R. E. SHORE

MANATEE COUNTY ZONING ORDINANCE

**PDR-05-27(B) - WOODLANDS OF MANATEE, LLC / COVENTRY PARK SUBDIVISION
DTS #20050111**

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 256 RESIDENTIAL LOTS, CONSISTING OF 193 LOTS FOR SINGLE-FAMILY DETACHED AND 63 LOTS FOR SINGLE-FAMILY ATTACHED RESIDENCES, WITH AT LEAST 25% OF THE UNITS DESIGNATED AS AFFORDABLE HOUSING, ON APPROXIMATELY 105.97 ACRES WEST OF ERIE ROAD AND SOUTH OF FP&L RAILROAD AT 5901 ERIE ROAD, PALMETTO; SUBJECT TO STIPULATIONS AS CONDITIONS OF APPROVAL; SETTING FORTH FINDINGS; PROVIDING A LEGAL DESCRIPTION; PROVIDING FOR SEVERABILITY, AND PROVIDING AN EFFECTIVE DATE.

2009 JUN 15 11:11:13
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WHEREAS, Woodlands of Manatee, LLC (the "Applicant") filed an application for a Preliminary Site Plan for approximately 105.97 acres described in Exhibit "A", attached hereto, (the "Property") for 196 lots for single-family detached and 63 lots for single-family attached residences with at least 25% of the units designated as affordable housing; and

WHEREAS, the applicant filed a request for Special Approval for a project: 1) exceeding a gross density of 2 dwelling units per acre in the RES-3 Future Land Use Category; and 2) exceeding a net density of 3 dwelling units per acre in the RES-6 Future Land Use Category; and

WHEREAS, the applicant file a request for Specific Approval for an alternative to LDC Section 907.9.4; and

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

WHEREAS, the Manatee County Planning Commission, after due public notice, held a public hearing on March 12, 2009 and April 16, 2009 to consider the Preliminary Site Plan application, received the staff 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 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 staff report.

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 a duly noticed public hearing on April 2, 2009, May 7, 2009, and June 4, 2009 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 and to satisfy the criteria for approval in the Land Development Code.

D. For the purposes of granting Special Approval, the Board finds that the project, as detailed on the Preliminary Site Plan and as conditioned herein, 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 LDC Section 907.9.4.2, the Board finds that the public purpose of the LDC regulations are satisfied to an equivalent degree for the 806 and 1,540 foot cul-de-sacs because vehicles will be able to turn around at the midpoint.

Section 2. PRELIMINARY SITE PLAN. The Preliminary Site Plan is hereby approved for 196 lots for single-family detached and 63 lots for single-family attached residences with at least 25% of the units designated as affordable housing upon the Property subject to the following Stipulations:

STIPULATIONS

A. DESIGN AND LAND USE CONDITIONS:

1. The satellite parking which backs into the rights-of-way will be eliminated. Approximately forty (40) parking spaces will be redistributed throughout the site as parallel parking.
2. The building designs shall be in substantial compliance with the renderings entered into the record.

3. A 6' high opaque PVC fence shall be installed from the west edge of the 2.42 acre wetland buffer to the south edge of the .35 acre wetland buffer. Required buffer landscaping shall be planted on the exterior of this fence.
4. A minimum of 25 percent of the units shall be designated as affordable housing. The applicant shall enter into a Land Use Restriction Agreement prior to Final Site Plan approval for the affordable housing units.

B. STORMWATER CONDITIONS:

1. The developer shall provide a drainage easement to Manatee County to accept stormwater for that portion of the Erie Road widening to 4 lanes that is adjacent to the site to accommodate roadway expansion. The developer shall design and construct the stormwater capacity for that portion of the future 4 lanes divided roadway within the project area and such design and construction shall be included in the SWFWMD permit documentation.
2. This project shall be required to reduce the calculated pre-development flow rate by a full fifty percent (50%) for all stormwater outfall flow directly or indirectly into Buffalo Canal/Cedar Drain. Modeling shall be used to determine pre- and post- development flows.

C. BUFFERS:

1. Prior to Final Site Plan approval, the applicant shall provide a noise mitigation analysis to the staff for mitigation of noise from thoroughfare roads. Such analysis shall demonstrate noise mitigation based on projected 2025 traffic volumes. The noise mitigation measure shall be installed as required by the approved plan.

D. ENVIRONMENTAL CONDITIONS:

1. Prior to Final Site Plan approval, the applicant and staff shall evaluate trees along rear lot lines and stormwater ponds for health and species. The site plan shall show any adjustments to preserve additional trees, to include use of retaining walls and adjustments to stormwater pond configurations.
2. A copy of the Environmental Resource Permit (ERP) approved by SWFWMD shall be submitted to the Planning Department for review prior to Final Site Plan approval.
3. A vacation of the existing and re-recording of new Conservation Easement for the areas defined as post-development jurisdictional wetlands, wetland buffers, and upland preservation areas shall be dedicated to the County prior to or concurrent with Final Plat approval.
4. No lots shall be platted through post-development wetlands, wetland buffers, or upland preservation areas.

5. The project shall be designed so that no temporary wetland buffer impacts, other than those allowed by Section 719.11.1.2 of the LDC, are required in areas that contain native desirable vegetation. This shall be reviewed and approved by the Planning Department with Final Site Plan.
6. All proposed mulch nature trails, board walks, and shade structures in wetland buffers and areas where native vegetation is to remain shall be designed in a manner that minimizes impacts to trees or areas of significant vegetation, and in accordance with Section 719 of the LDC, if applicable.
7. The Final Site Plan shall identify wildlife connections between preservation areas severed by roadway construction. Oversized culverts, rumble strips, or wildlife crossing signs may be required for wildlife connections and shall be approved with the Final Site Plan.
8. Overhead or underground power lines, swales, or storm water facilities within any proposed landscape buffer containing desirable native vegetation with the exception of limited crossings shall be avoided to the greatest extent possible.
9. Tree barricades for trees to be preserved shall be located at the drip line, unless approved by the Planning 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 Planning Department.
10. A Well Management Plan for the proper protection and abandonment of existing wells shall be submitted to the Planning Department for review and approval prior to Final Site Plan approval. The Well Management Plan shall include the following information:
 - Digital photographs of the well along with nearby reference structures (if existing).
 - GPS coordinates (latitude/longitude) of the well.
 - The methodology used to secure the well during construction (e.g. fence, tape).
 - The final disposition of the well - used, capped, or plugged.
11. Irrigation for landscaping shall use the lowest water quality source available, which shall be identified on the Final Site Plan. Use of Manatee County public potable water supply shall be prohibited.
12. Nuisance exotic species removal on the south property line shall be phased to maintain buffering and allow for new landscape buffers to establish. Details shall be approved with the Final Site Plan.

Section 3. SPECIAL AND SPECIFIC APPROVALS. Special Approval is hereby granted for a project: 1) exceeding a gross density of 2 dwelling units per acre in the RES-3 Future Land Use Category; and 2) exceeding a net density of 3 dwelling units per acre in the RES-6 Future Land Use Category. This 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 for an alternative to LDC Section 907.9.4 of the Land Development Code. This 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, 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, the ordinance if 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 4th day of June, 2009.

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

BY: Gwendolyn Y. Brown
Dr. Gwendolyn Y. Brown, Chairman

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

BY: R. B. Shore
Deputy Clerk



FILE NO. PDR-05-27(P)

LEGAL DESCRIPTION

**THE LEGAL DESCRIPTION OF SAID PROPERTY IN MANATEE COUNTY FLORIDA,
BEING:**

(Type legal directly on this sheet. Use additional sheets if necessary).

NAME OF PROJECT Coventry Park Subdivision

COMMENCE AT THE NORTHEAST CORNER OF THE NORTHWEST ¼ OF THE SOUTHWEST ¼ OF SECTION 35, TOWNSHIP 33 S., RANGE 18 E.; THENCE N00°00'54"W., ALONG THE EAST LINE OF THE SOUTHWEST ¼ OF THE NORTHWEST ¼ OF SAID SECTION 35, A DISTANCE OF 1.26 FT.; THENCE N89°25'57"W., A DISTANCE OF 42.00 FT. TO THE NORTHEAST CORNER OF VILLAGES OF THOUSAND OAKS, VILLAGE I, A CONDOMINIUM AS RECORDED IN CONDOMINIUM BOOK 18, PAGES 40 THROUGH 44, PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA, FOR A POINT OF BEGINNING, SAID POINT LYING ON THE WESTERLY R/W OF "ERIE ROAD"; THENCE CONTINUE N89°25'57"W., ALONG THE NORTHERLY LINE OF SAID VILLAGES OF THOUSAND OAKS, VILLAGE I, A DISTANCE OF 819.86 FT. TO THE NORTHEAST CORNER OF VILLAGES OF THOUSAND OAKS, VILLAGES IV AND V, A SUBDIVISION AS RECORDED IN PLAT BOOK 24, PAGES 48 THROUGH 53, AFORESAID PUBLIC RECORDS; THENCE N89°29'35"W. ALONG THE NORTHERLY LINE OF SAID VILLAGES OF THOUSAND OAKS, VILLAGES IV AND V, A DISTANCE OF 788.22 FT. TO THE NORTHEAST CORNER OF WOODLAWN LAKES, SECOND ADDITION, A SUBDIVISION AS RECORDED IN PLAT BOOK 22, PAGES 35 THROUGH 41, AFORESAID PUBLIC RECORDS; THENCE N89°25'03"W., ALONG THE NORTHERLY LINE OF SAID WOODLAWN LAKES, SECOND ADDITION, A DISTANCE OF 1014.44 FT. TO THE NORTHWEST CORNER OF SAID WOODLAWN LAKES SECOND ADDITION; THENCE S.00°18'37"E., ALONG THE WESTERLY LINE OF SAID WOODLAWN LAKES, SECOND ADDITION, A DISTANCE OF 19.00 FT. TO THE NORTHEAST CORNER OF THE NORTHWEST ¼ OF THE SOUTHWEST ¼ OF SECTION 34, TOWNSHIP 33 S., RANGE 18 E.; THENCE N88°34'24"W., ALONG THE NORTH LINE OF THE NORTHWEST ¼ OF THE SOUTHWEST ¼ OF SAID SECTION 34, A DISTANCE OF 1327.20 FT. TO THE NORTHWEST CORNER OF SAID NORTHWEST ¼ OF THE SOUTHWEST ¼, ALSO BEING THE SOUTHWEST CORNER OF THE SOUTHWEST ¼ OF THE NORTHEAST ¼ OF SAID SECTION 34; THENCE N00°42'04"E., ALONG THE WEST LINE OF SAID SOUTHWEST ¼ OF THE NORTHEAST ¼, A DISTANCE OF 161.80 FT. TO THE INTERSECTION WITH THE SOUTHERLY RIGHT-OF-WAY OF THE OLD SEABOARD COASTLINE RAILROAD; THENCE RUN ALONG SAID SOUTHERLY RIGHT-OF-WAY THE FOLLOWING COURSES AND DISTANCES; N63°22'45"E., 2509.83 FT., THENCE S89°24'36"E., 21.64 FT., THENCE N63°22'45"E., A DISTANCE OF 1880.47 FT. TO THE INTERSECTION WITH THE WESTERLY RIGHT-OF-WAY OF SAID "ERIE ROAD" THENCE S00°00'54"E., ALONG SAID WESTERLY RIGHT-OF-WAY, A DISTANCE OF 2168.24 FT. TO THE POINT OF BEGINNING, BEING AND LYING IN SECTIONS 34 AND 35, TOWNSHIP 33 S., RANGE 18 E., MANATEE COUNTY, FLORIDA.

CONTAINING 105.97 ACRES MORE OR LESS.

\\m\Submittals\Woodlands GC-Legal Desc.doc



SEAL OF THE 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 11th day of

June, 2009
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 16, 2009

FILED FOR RECORD
R. B. SHORE

2009 JUN 19 PM 1:04

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

CLERK OF THE CIRCUIT COURT
MANATEE CO. FLORIDA

Attention: Ms. Maggie Hamilton, Deputy Clerk

Dear Mr. Shore:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your letter dated June 11, 2009 and certified copies of Manatee County Ordinance Nos. 09-42, PDR-05-27 (P) and PDMU-06-16 (P) (R), which were filed in this office on June 15, 2009.

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

Sincerely,

Liz Cloud
Program Administrator

LC/srd
Enclosure

DIRECTOR'S OFFICE

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