

FILED FOR RECORD  
R. B. SHORE

2009 DEC 16 PM 3:20

**MANATEE COUNTY ORDINANCE**

**PDR-06-87(P)(R2) – PROVIDENT NATIONAL PROPERTY GROUP/WOODBROOK**

CLERK OF THE CIRCUIT COURT  
MANATEE COUNTY, FLORIDA

**AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, AMENDING ORDINANCE NO. PDR-06-87(P)(R) PERTAINING TO APPROXIMATELY 78.50 ACRES EAST OF LOCKWOOD RIDGE ROAD AND SOUTH OF THE HONORE AVENUE EXTENSION, BRADENTON IN THE PDR (PLANNED DEVELOPMENT RESIDENTIAL) ZONING DISTRICT; APPROVING REVISED ORDINANCE PDR-06-87(P)(R2), AMENDING AND RESTATING ZONING ORDINANCE PDR-06-87(P)(R) APPROVED ON DECEMBER 18, 2007; TO ALLOW AN OPTION TO REPLACE 186 SINGLE FAMILY DETACHED RESIDENCES AND 104 MULTI-FAMILY RESIDENCES WITH 180 SINGLE-FAMILY DETACHED RESIDENCES; MODIFY THE BUILDING SETBACKS AND MINIMUM LOT WIDTH; SETTING FORTH FINDINGS; PROVIDING A LEGAL DESCRIPTION; PROVIDING FOR SEVERABILITY, AND PROVIDING AN EFFECTIVE DATE.**

2009 DEC 11 AM 10:27

FILED

**WHEREAS**, Neal Communities Land Development, Inc. (the "Applicant") filed an application for a revised Preliminary Site Plan for approximately 78.50 acres described in Exhibit "A", attached hereto, (the "Property") to amend an approved Preliminary Site Plan to allow an option to replace 186 single-family detached residences and 104 multi-family residences with 180 single-family detached residences; modify the building setbacks and minimum lot width; and

**WHEREAS**, Planning Department staff recommended approval of the revised Preliminary Site Plan application 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 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 the Manatee County Planning Staff 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 December 3, 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.

**Section 2. PRELIMINARY SITE PLAN.** The Preliminary Site Plan is hereby approved to allow an option to replace 186 single-family detached residences and 104 multi-family residences with 180 single-family detached residences; modify the building setbacks and minimum lot width subject to the following Stipulations:

**STIPULATIONS**

1. The recreational facility details of the type of equipment and layout shall be shown on the Final Site Plan.
2. 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.
3. All fill within the 100 Year Floodplain 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 backfeeds into the on-site lakes will be credited as floodplain compensation volume.
4. All residential lots shall be located outside of the post-development 25-year floodplain.
5. 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, subdivisions, lands, etc.
6. Project is required to provide 150% water quality treatment.
7. This project shall provide a 20 foot wide landscaped buffer, exclusive of retention areas, along the western property line, adjacent to proposed commercial lots. Screening within the buffer shall consist of a 6' high solid decorative wall or hedge and one row of canopy trees (2.5 inch caliper, 8 ft. tall and 3 ft. spread) planted 30 feet on center.
8. If, prior to Final Site Plan approval lots adjacent to the proposed commercial development, the applicant submits to the County an easement agreement for a 20 foot

wide cross access and buffer easement on the PDC zoned property to the west, the Planning Director may modify the screening requirement to allow a 20 foot buffer on this side and 20 feet on the adjoining commercial property, for a combined width of 40 feet. The form of the cross access and buffer easement agreement shall be submitted to the County Attorney's Office for approval as to form prior to recording in the Public Records of Manatee County. The cross access and buffer easement agreement shall address access, installation, location, and maintenance responsibility for the landscape buffer.

The 40 foot landscape buffer shall include a 5 foot high berm and a 6 foot high wall. As depicted on the Preliminary Site Plan, landscaping on the commercial side of the wall shall consist of an informal planting arrangement of 2 canopy trees, 3 understory trees, and 15 shrubs per 100 linear feet. Landscaping on the residential side shall consist of 2 canopy trees, and 33 shrubs per 100 linear feet.

The Homeowners Association for the residential project shall be responsible for the continued maintenance of the entire landscape buffer as detailed in the cross access and buffer easement agreement, including any portion of the landscape buffer easement on the adjacent commercial property.

9. There shall be no open burning of trees or branches for land clearing.
10. There shall be a minimum of ten (10) foot separation between accessory equipment and structures alongside adjoining houses with 5 foot side yard setbacks Exhibit "C".

#### **New Stipulations for 27 ft. wide lots**

11. A minimum seven (7) foot wide Private Drainage Easement (6 feet + one foot along each side lot line) shall be dedicated between each single-family detached residence. The Drainage Easement shall be for the use of collection and conveyance of runoff from each residence.
12. 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.
13. 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.
14. 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.
15. The single-family detached residences shall be built and graded in clusters.
16. 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.

17. The building facades for the residences on the 27 foot wide lots shall be consistent with the elevations submitted by the applicant and attached as Exhibit "B".

**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 3<sup>rd</sup> day of December, 2009.

BY: BOARD OF COUNTY  
COMMISSIONERS  
MANATEE COUNTY, FLORIDA

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

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

BY: Susan B. Komine  
Deputy Clerk

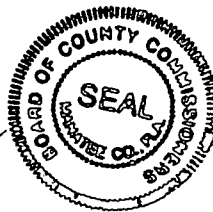


EXHIBIT "A"

**LEGAL DESCRIPTION**

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 four (4) 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 04°07'53"; (4) thence northerly along the arc of said curve, a distance of 232.84 feet to the end of said curve; thence N.89°33'10"W., a distance of 186.75 feet; thence N.49°49'14"E., a distance of 580.78 feet; thence N.00°00'12"W., a distance of 849.87 feet to the point of curvature of a non tangent curve to the right, of which the radius point lies S.14°15'18"W., a radial distance of 2,023.00 feet; thence southeasterly along the arc of said curve, through a central angle of 21°00'49", an arc length of 741.95 feet to the point of tangency of said curve, said point being 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 S.54°43'53"E., along said south right-of-way line, a distance of 424.37 feet to a point on Honore Avenue Pond Site E1, 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 E1, a distance of 503.90 feet; thence S.88°59'08"E., along the south line of said Pond E1, 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  $22^{\circ}35'36''$ , 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  $15^{\circ}21'49''$ ; (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  $S.54^{\circ}36'52''W.$ , a distance of 165.48 feet; (4) thence  $S.52^{\circ}29'51''W.$ , 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  $S.37^{\circ}30'08''E.$ , 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  $14^{\circ}33'13''$ , an arc length of 39.97 feet to the point of tangency of said curve; (2) thence  $S.37^{\circ}56'38''W.$ , a distance of 260.64 feet; (3) thence  $S.61^{\circ}02'31''W.$ , a distance of 102.38 feet; (4) thence  $S.51^{\circ}18'20''W.$ , a distance of 362.47 feet; (5) thence  $S.49^{\circ}13'17''W.$ , a distance of 402.17 feet; (6) thence  $S.49^{\circ}58'22''W.$ , 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  $33^{\circ}00'21''$ ; (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  $10^{\circ}31'17''$ ; (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  $N.89^{\circ}37'07''W.$ , 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  $N.00^{\circ}04'20''W.$ , along the west line of said Northeast 1/4 of the Southeast 1/4, a distance of 730.18 feet; thence  $S.89^{\circ}59'34''W.$ , a distance of 1,225.30 feet to the POINT OF BEGINNING.

Containing 3,419,397 square feet or 78.4985 acres, more or less.

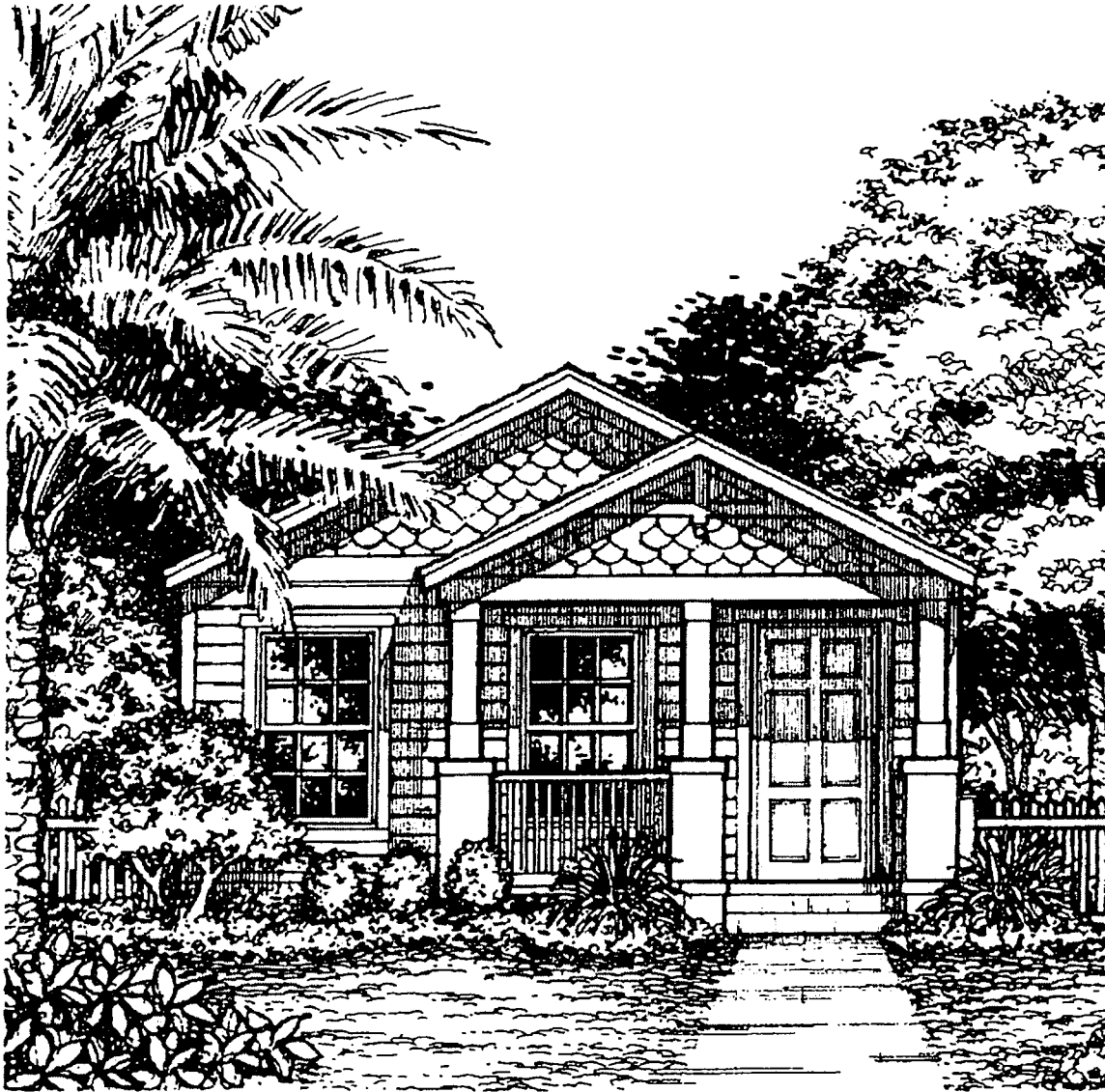
## Emerald Cottage



**NEALCOMMUNITIES.COM**

Exhibit "B"

## Jewel Cottage



**NEALCOMMUNITIES.COM**

Exhibit "B"



## Rose Cottage

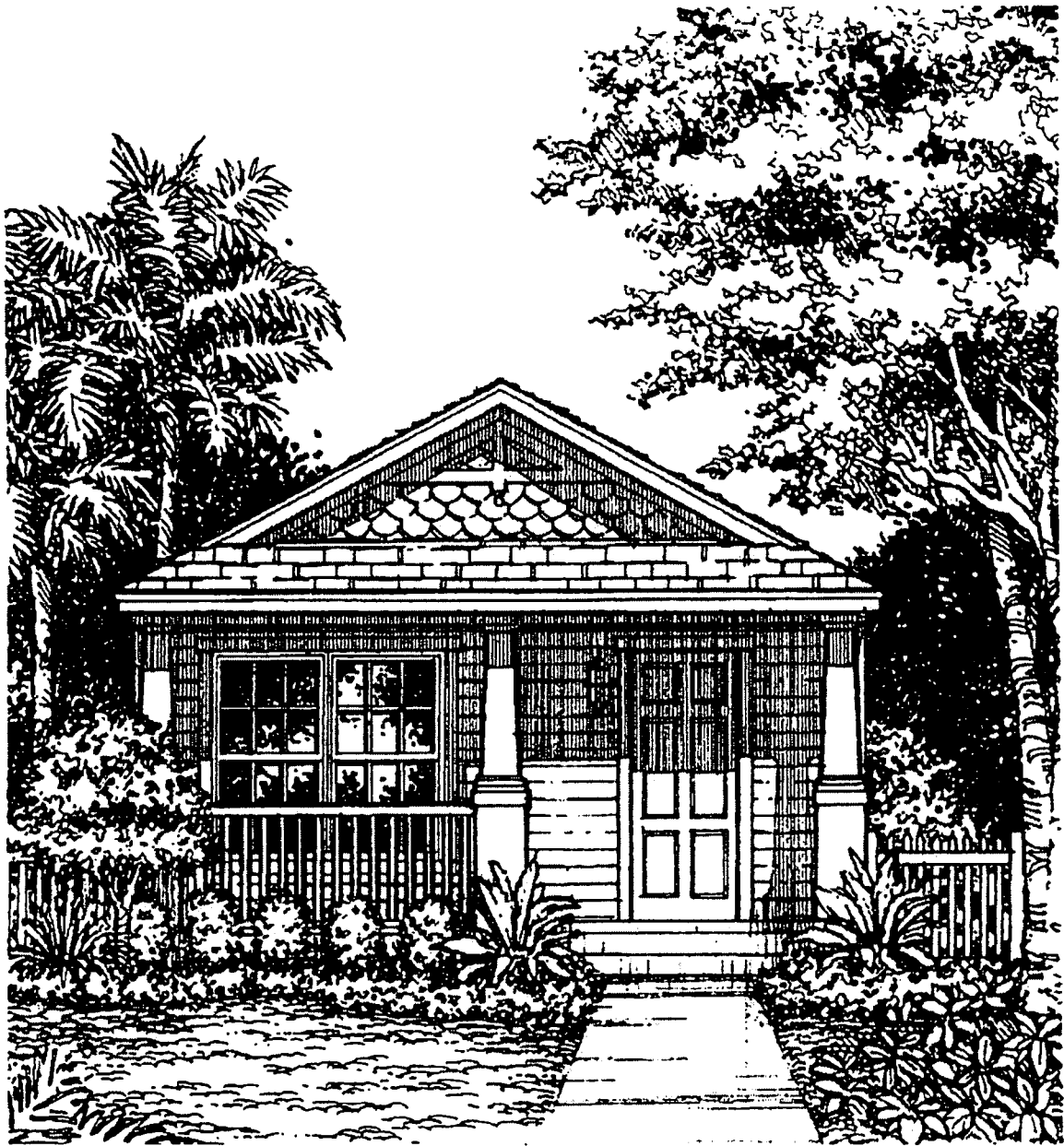


Exhibit "B"

**NEALCOMMUNITIES.COM**

## Lake Cottage



Exhibit "B"

**NEAL**COMMUNITIES.COM

## Gull Cottage

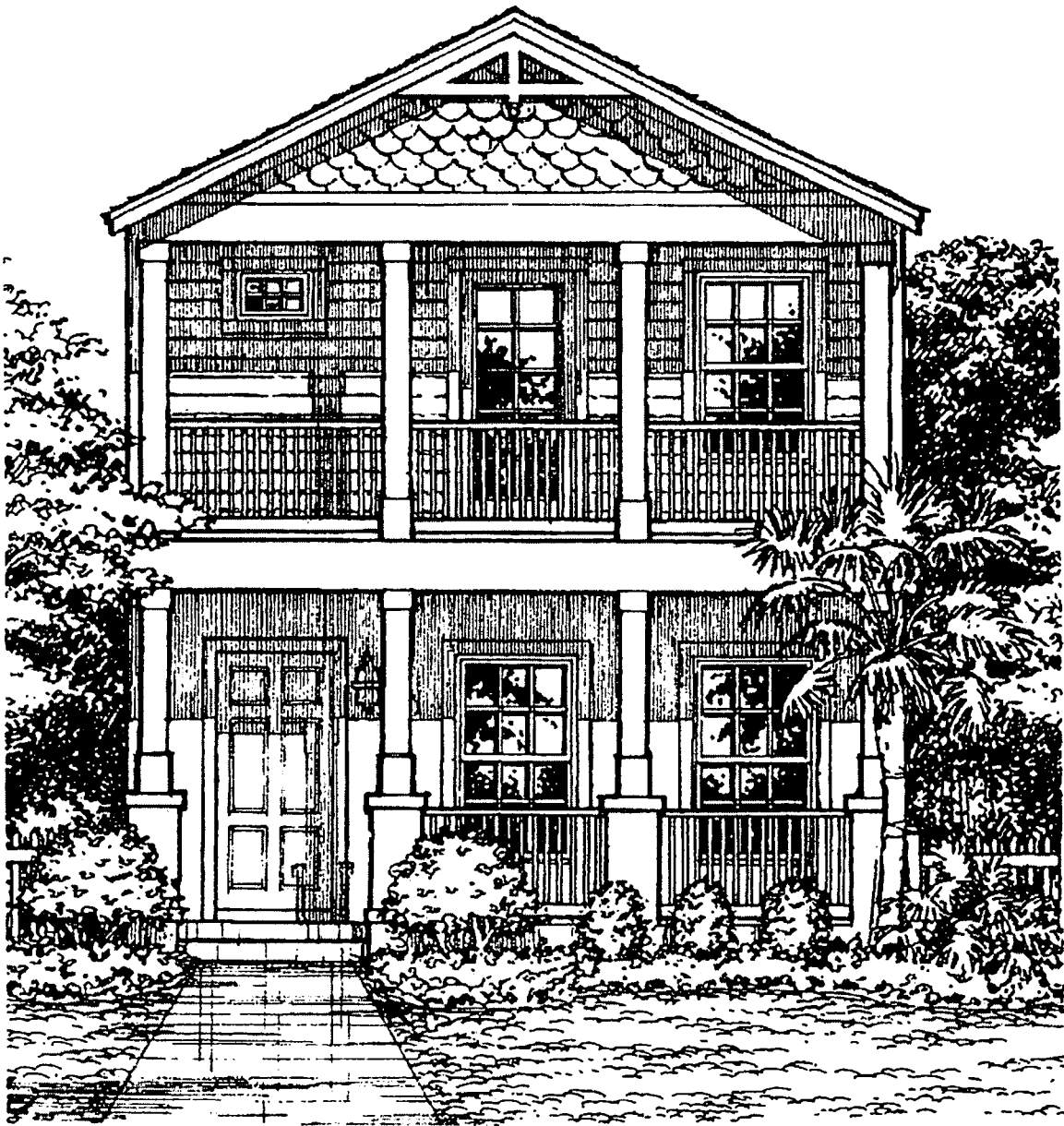
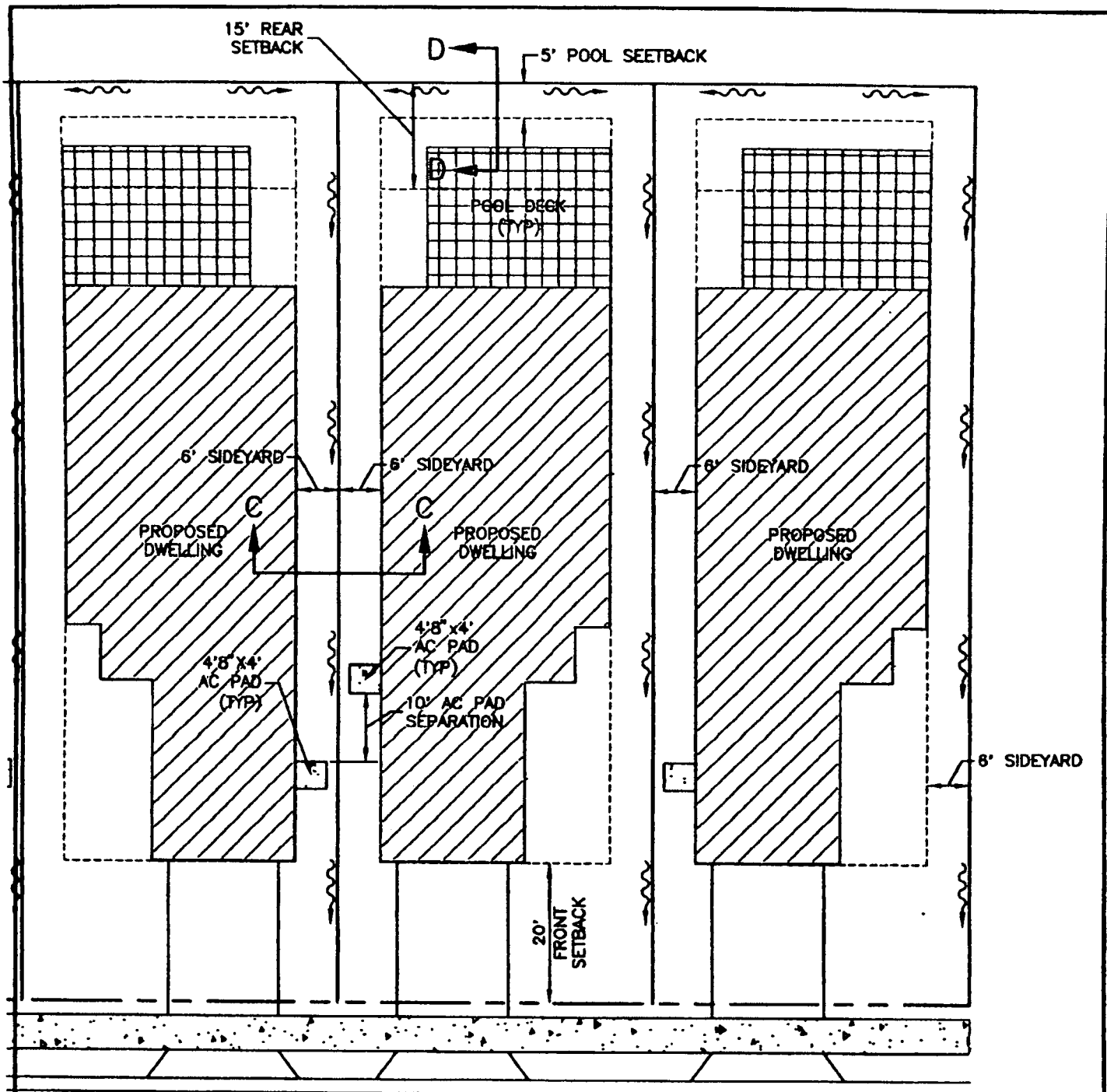


Exhibit "B"

**NEAL**COMMUNITIES.COM



## AC PAD DETAIL

Exhibit "C"

PROJECT: FOREST CREEK

CLIENT: COMPASS PROPERTY HOLDINGS, LLC

**WilsonMiller**

Planners • Engineers • Ecologists • Surveyors • Landscape Architects • Transportation Consultants

WilsonMiller, Inc.

6800 Professional Parkway East, Suite 100 • Sarasota, Florida 34240-6804 • Phone 941-607-6800 • Fax 941-607-6800 • Web Site: www.wilsonmiller.com

SCALE: 1" = 20'	DATE: 12/09
SEC: TWP: RGE:	REV NO:
PROJECT NO: 04284-001-000	INDEX NO: 04284-001087
DRAWN BY/EMP NO: BPK/1879	SHEET NO: 1 of 1

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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 8th day of  
December, 2009

R.B. SHORE  
Clerk of Circuit Court

By: Debi J. Shore c.c.

FILED FOR RECORD  
R. B. SHORE

2009 DEC 16 PM 3: 20



CLERK OF THE CIRCUIT COURT  
MANATEE CO. FLORIDA

## FLORIDA DEPARTMENT of STATE

**CHARLIE CRIST**  
Governor

STATE LIBRARY AND ARCHIVES OF FLORIDA

**KURT S. BROWNING**  
Secretary of State

December 11, 2009

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

Attention: Ms. Vicki Tessner, Deputy Clerk

Dear Mr. Shore:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your letter dated December 8, 2009 and certified copies of Manatee County Ordinance Nos. PDMU-05-09 (P) (R), PDMU-05-19 (Z)(G) (R2), PDR-03-53 (P) (R5), PDR-06-87 (P) (R2) and 09-69, which were filed in this office on December 11, 2009.

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

Sincerely,

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

Liz Cloud  
Program Administrator

LC/srd  
Enclosure

#### DIRECTOR'S OFFICE

R.A. Gray Building • 500 South Bronough Street • Tallahassee, Florida 32399-0250  
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