

FILED ON RECORD
R. B. SHORE

2011 MAY 24 AM 9:34

**MANATEE COUNTY ZONING ORDINANCE
PDR-11-01(Z) (P) LAND EXPERTS, INC.**

**MANAGING MEMBER OF TAMPA BAY EQUITY FUND, LLC
WILDERNESS CROSSINGS DTS #20100341**

2011 MAY 19 AM 9:59
DEPARTMENT OF
TALLAHASSEE, FLORIDA

FILED

CLERK OF
MANATEE COUNTY, FLORIDA
AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF
MANATEE COUNTY, FLORIDA, REGARDING LAND DEVELOPMENT,
AMENDING THE OFFICIAL ZONING ATLAS (ORDINANCE 90-01, THE
MANATEE COUNTY LAND DEVELOPMENT CODE), RELATING TO ZONING
WITHIN THE UNINCORPORATED AREA; PROVIDING FOR A REZONE OF
APPROXIMATELY 37.29 ACRES LOCATED ON THE NORTH SIDE OF UPPER
MANATEE RIVER ROAD, APPROXIMATELY 1.5 MILES WEST OF RYE ROAD
NORTHEAST, AT 14641 UPPER MANATEE RIVER ROAD, FROM A-1
(SUBURBAN AGRICULTURE - ONE DWELLING UNIT PER ACRE) TO THE
PDR (PLANNED DEVELOPMENT RESIDENTIAL) ZONING DISTRICT;
APPROVING A PRELIMINARY SITE PLAN FOR 68 SINGLE-FAMILY
DETACHED RESIDENTIAL UNITS; SUBJECT TO STIPULATIONS AS
CONDITIONS OF APPROVAL; SETTING FORTH FINDINGS; PROVIDING A
LEGAL DESCRIPTION; PROVIDING FOR SEVERABILITY, AND PROVIDING
AN EFFECTIVE DATE

WHEREAS, Land Expert, Inc., Managing Member of Tampa Bay Equity Fund, LLC, Wilderness Crossings (the "Applicant") filed an application to rezone approximately 37.29 acres described in Exhibit "A", attached hereto, (the "property") from A-1 (Suburban Agriculture) to the PDR (Planned Development Residential) zoning district; and

WHEREAS, the applicant also filed a Preliminary Site Plan application for 68 lots for single-family detached residences (the "project") on the property; and

WHEREAS, the applicant also filed a request for Special Approval for a project exceeding 1 dwelling unit per acre in the UF-3 Future Land Use Category and for a project located within the Coastal Evacuation Area; and

WHEREAS, the applicant also filed a request for Specific Approval for alternatives to Sections 603.7.4.2, 715.3.4 and 715.3.2.2 of the Land Development Code; and

WHEREAS, Planning staff recommended approval of the rezone, Preliminary Site Plan, Special Approval and Specific 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 10, 2011 to consider the rezone, Preliminary Site Plan, Special Approval, and Specific Approval, 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, 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 A-1 (Suburban Agriculture) to the PDR (Planned Development Residential) zoning district.

B. The Board of County Commissioners held duly noticed public hearings on April 7, 2011 and May 5, 2011 regarding the 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 Manatee County Comprehensive Plan.

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 603.7.4.2, the Board finds that a reduction in open space meets the intent of the regulation because the layout of the development including lots, roadway buffers and enhanced landscaped entrance will provide adequate open space.

F. The plan does comply with the requirement of LDC Section 715.3.4. However, the Board finds that placing one canopy tree per lot instead of every 50 feet will likely reduce conflicts between the trees and built environment.

G. The plan does comply with the requirement of LDC Section 715.3.4. However, the Board finds that reducing the quantity of canopy trees will likely reduce conflicts between the trees and built environment.

Section 2. PRELIMINARY SITE PLAN. The Preliminary Site Plan is hereby approved for 68 lots for single-family detached residences upon the property subject to the following Stipulations:

STIPULATIONS

A. DESIGN AND LAND USE CONDITIONS:

1. No lots shall be platted through any roadway buffers, greenbelt buffers or the enhanced entrance buffer.
2. Irrigation for landscaping shall be from the lowest quality water. Potable water is not permitted.
3. At time of Final Site Plan, the project shall be designed to show the following:

± 21' - 28.5 foot right-of-way reserved along Williams Road with a 10' roadway buffer as a common area or tract. The lots along Williams Road shall have a rear yard setback of at least 15 feet.
4. At time of Final Site Plan, the project shall be designed to show an additional 2 feet right of way dedication along Upper Manatee River Road.

B. STORMWATER CONDITIONS:

1. The Final Site Plan/Construction Plan shall include improvements to the grading and conveyance of drainage runoff from the northern outfall of this project eastward to the culvert crossing under Williams Road.
2. This project shall comply with the requirements in Section 702.9 of the Land Development Code with the exception of finish floor elevation being at minimum 18 inches above the crown of roadway in lieu of 21 inches contained within subsection 702.9.1.B.1.

C. ENVIRONMENTAL CONDITIONS:

1. A copy of the modification to the Environmental Resource Permit (ERP) approved by SWFWMD shall be submitted to the Environmental Planning Division for review prior to Final Site Plan approval.
2. Plant materials and species are not being approved with this Preliminary Site Plan and will be reviewed and approved with the Final Site Plan to ensure compliance with the LDC.

D. NOTICES

1. Prior to Final Plat approval the applicant shall provide a condition within the HOA documents as well as the Notice to Buyer stating that... "The Homeowner Association shall be responsible for all required landscaping within the lift station easement contained within Lot 66, as shown on the Preliminary Site Plan, and shall maintain the landscaping in perpetuity.

Section 3. SPECIFIC AND SPECIAL APPROVALS. Specific Approval is hereby granted for alternatives to Sections 603.7.4.2, 715.2.4 and 715.3.2.2 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. Special Approval is hereby granted for a project exceeding 1 dwelling unit per acre in the UF-3 Future Land Use Category and for being located within the Coastal Evacuation Area (CEA). 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.

Section 4. 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 classification of the property identified in Exhibit "A" herein from A-1 (Suburban Agriculture) to the 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 Official Zoning Atlas.

Section 5. 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, sentence, 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 6. 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 7. 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 5th day of May, 2011.

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

BY: _____

Carol Whitmore, Chairman

ATTEST:

R. B. SHORE
Clerk of the Circuit Court

BY: _____

Deputy Clerk



EXHIBIT "A"

LEGAL DESCRIPTION

SE 1/4 OF SW 1/4 LESS S 40 FT FOR RD R/W; AND LESS RD R/W ALG E AND N
BOUNDARIES; SD LAND LYING AND BEING IN SEC 15 TWN 34S RNG 19E
(1840/2316) PI#5265.0000/4



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 17th day of

May, 2011

R.B. SHORE
Clerk of Circuit Court

By: Debra J. Janner D.C.



FILED FOR RECORD
R. B. SHORE

2011 MAY 24 AM 9:34

FLORIDA DEPARTMENT of STATE

RICK SCOTT
Governor

DIVISION OF LIBRARY AND INFORMATION SERVICES

KURT S. BROWNING
Secretary of State

May 19, 2011

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

Attention: Ms. Vicki Tessmer, Deputy Clerk

Dear Mr. Shore:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your letter dated May 17, 2011 and certified copies of Manatee County Ordinance Nos. PDC-11-05(G), PDR-11-01(Z)(P) and PDEZ-08-19(Z)(G)(R2), which were filed in this office on May 19, 2011.

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

Sincerely,

Liz Cloud
Program Administrator

LC/vm

Enclosure

DIRECTOR'S OFFICE

R.A. Gray Building • 500 South Bronough Street • Tallahassee, Florida 32399-0250
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CAPITOL BRANCH
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ADMINISTRATIVE CODE AND WEEKLY
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