

Manatee County Ordinance

PDR-17-19(P)(R) - CRESSWIND - KH LAKEWOOD RANCH - PLN2002-0038

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, REGARDING LAND DEVELOPMENT; AMENDING ZONING ORDINANCE NUMBER PDR-17-19(Z)(P) AND APPROVING A REVISED PRELIMINARY SITE PLAN FOR A 651-LOT SINGLE-FAMILY RESIDENTIAL SUBDIVISION TO REDUCE THE MINIMUM REAR YARD SETBACK FOR RESIDENTIAL UNITS FROM FIFTEEN (15) FEET TO TEN (10) FEET; PERTAINING TO AN APPROXIMATELY 249.58 ACRES CURRENTLY ZONED PDR (PLANNED DEVELOPMENT RESIDENTIAL) AND GENERALLY LOCATED APPROXIMATELY 1.5 MILES EAST OF LORRAINE ROAD, 1.5 MILES NORTH OF SR 70, AND 1.3 MILES SOUTH OF SR 64, AT 5010 UIHLEIN ROAD, BRADENTON (MANATEE COUNTY); SETTING FORTH FINDINGS; PROVIDING A LEGAL DESCRIPTION; PROVIDING FOR SEVERABILITY, AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, KH Lakewood Ranch, LLC (the "Applicant") filed an application for a revised Preliminary Site Plan for approximately 249.58 acres as described in Exhibit "A", attached hereto, (the "Property"); and

WHEREAS, the Building and Development Services staff recommended approval of the revised Preliminary Site Plan application subject to the stipulations contained in the staff report; and

WHEREAS, the Board of County Commissioners, after due public notice, held a public hearing on August 6, 2020 to consider the amended Zoning Ordinance and Preliminary Site Plan.

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 a revised ordinance, 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 staff concerning the application for a revised Preliminary Site Plan as it relates to the real property described in Exhibit "A" of this Ordinance.

B. The Board of County Commissioners, after due public notice, held a public hearing on August 6, 2020 regarding the proposed Ordinance described herein in accordance with the requirements of Manatee County Land Development Code and has further considered the information received at said public hearing.

C. The proposed Ordinance regarding the property described in Exhibit "A" herein is found to be consistent with the requirements of the Manatee County Comprehensive Plan and to satisfy the criteria for approval in the Land Development Code.

Section 2. REVISED PRELIMINARY SITE PLAN. The revised Preliminary Site Plan is hereby approved for a 651-lot single-family residential subdivision to reduce the minimum rear yard setback for residential units from fifteen (15) feet to ten (10) feet upon the property subject to the following Stipulations:

STIPULATIONS

A. DESIGN AND LAND USE STIPULATIONS

1. No lots shall be platted through any landscape buffers, or retention ponds.
2. The Notice to Buyers shall be included in the Declaration of Covenants and Restrictions, and in a separate addendum to the Sales Contract, and in the Final Site Plan, and shall include language to inform prospective homeowners of:
 - a. There are planned thoroughfares adjacent to the project [i.e. Uihlein Road (4-lane collector), Rangeland Parkway (2-lane collector) and Bourneside Boulevard (4-lane collector)], and potential noise associated with this planned roadway.
 - b. The presence of active agricultural operations in the nearby area and their potential impacts (noise and odor).
 - c. The internal streets within this subdivision are privately owned and maintained by the Homeowner's Association or other appropriate legal entity.
3. Any significant historical or archeological resources discovered during development activities shall be immediately reported to the Florida Department of State, Division of Historical Resources, and treatment of such resources shall be determined in cooperation with the Division of Historical Resources, and the County. The final determination of significance shall be made in conjunction with the Florida Department of State, Division of Historical Resources, and the County. The appropriate treatment of such resources (potentially including excavation of the site in accordance with the guidelines established by the Florida Department of State, Division of Historical Resources) must be completed before resource disturbing activities are allowed to continue. If human remains are encountered, the provisions contained in Chapter 872, Florida Statutes (Offenses Concerning Dead Bodies and Graves) shall be followed.
4. Final Site Plan (FSP) review and approval is required for any recreational area/amenity center. Required number of parking spaces will be determined at FSP based on the type and square footage of the recreational uses. Any recreation or amenity structure shall have a minimum 20-foot setback from all property lines.
5. All other applicable state or federal permits shall be obtained before commencement of the development.
6. A 3-foot separation from the internal edge of the sidewalk to the property line shall be provide for all proposed front-loaded garage units to ensure a 23-foot separation from the sidewalk to the garage.

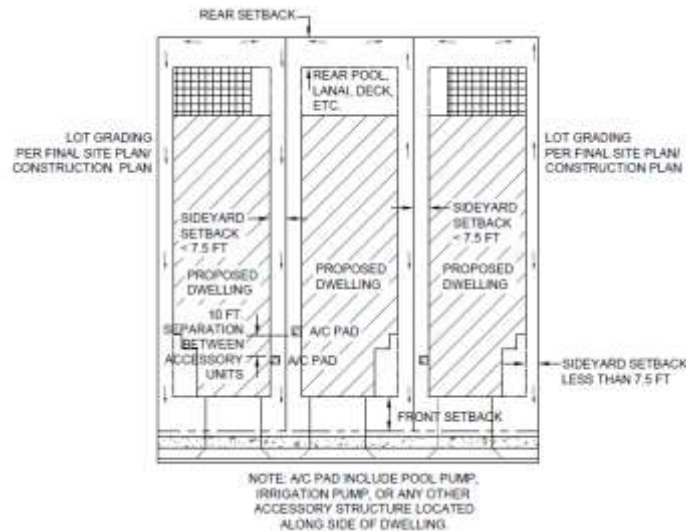
B. ENVIRONMENTAL STIPULATIONS

1. The developer shall provide an updated study, consistent with Policy 3.3.2.1 of the Comprehensive Plan, for threatened and endangered plant and animal species prior to Final Site Plan approval. The Management Plan approved by the State shall be submitted prior to the commencement of development for any listed species found on site.
2. A Well Management Plan for the proper protection and abandonment of existing wells shall be submitted to the County 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.
3. 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.

C. STORMWATER ENGINEERING STIPULATIONS

1. 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 Mill Creek Watershed. Modeling shall be used to determine pre- and post- development flows.
2. This project shall be required to reduce the calculated pre-development flow rate by twenty-five percent (25%) for all stormwater outfall flow directly or indirectly into Braden River/Evers Reservoir Watershed. Modeling shall be used to determine pre- and post- development flows.
3. This project shall be required to provide 150% water quality treatment for the Braden River/Evers Reservoir Watershed.
4. 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. Drainage modeling shall utilize the adopted Braden River Watershed Study and the pending Mill Creek Watershed Study to demonstrate, in post-development condition, that no adverse impacts are created to adjacent property based upon a “no-rise” flood stage condition.
5. Drainage Easement shall be dedicated to Manatee County and be provided within the project boundaries for Mill Creek tributaries. In addition, a twenty (20) feet Drainage-Maintenance Access Easement shall be provided along this system with the project boundary from the top of bank. Manatee County is only responsible for maintaining the free flow of drainage through these systems.

6. Ten (10) feet separation shall be provided between accessory structures (i.e. Heat Pumps, A/C Handlers, pool pumps, etc.) along the side yards of properties with a side yard setback of 5 feet.



D. UTILITY ENGINEERING STIPULATIONS

1. Connection to the County potable water and wastewater systems is required pursuant to the Manatee County Comprehensive Plan. The cost of connection, including the design, permitting and construction of off-site extensions of lines, shall be the responsibility of the Applicant. Such off-site extension shall be designed and constructed in accordance with the appropriate County Master Plan. The connection shall be designed, engineered and permitted by the Applicant consistent with Manatee County Public Works Standards and approved by County Engineer through the construction plans review process for the project.
2. Any modifications and costs required for the development to meet the Board adopted master plan shall be met and completed by the developer during the Final Site Plan/ Construction Plan Approvals. This shall include modifications to the location, design, and access of the proposed potable water, reclaimed water, wastewater infrastructure, and the water/wastewater design calculations.
3. All potable water, reclaimed water and/or wastewater infrastructure construction shall adhere to the water and wastewater master plans for the Northeast Sector of Lakewood Ranch Master Plan Updates and Southeast Wastewater Collection System Master Plan at the time of Final Site Plan Submittal.

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 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. STATE AND FEDERAL PERMITTING. The issuance of the local development permit by the County shall not create any liability on the part of the County in the event the applicant fails to obtain the required state or federal agency approvals or permits or fails to fulfill the obligations imposed by any state or federal agency or undertakes actions that result in a violation of state or federal law.

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 6th day of August 2020.



**BOARD OF COUNTY
COMMISSONERS OF MANATEE
COUNTY, FLORIDA.**

BY: _____

Betsy Benac
Betsy Benac, Chairman

ATTEST: ANGELINA COLONNESO
Clerk of the Circuit Court

BY: *Angelina Colonneso*
Deputy Clerk

Exhibit "A"

Legal Description

CRESSWIND AT LAKEWOOD RANCH

DESCRIPTION: A parcel of land lying in Sections 11 and 12, Township 35 South, Range 19 East, Manatee County, Florida, and being more particularly described as follows:

COMMENCE at the Southeast corner of said Section 12, run thence along the East boundary of said Section 12, N.00°12'04"E., a distance of 1205.70 feet; thence N.89°47'57"W., a distance of 180.64 feet a point on a curve on the Northerly right of way line of (Proposed) Rangeland Parkway, said point also being the **POINT OF BEGINNING**; thence along said Northerly right of way line of (Proposed) Rangeland Boulevard, the following nine (9) courses: 1) Southwesterly, 39.27 feet along the arc of a tangent curve to the right having a radius of 25.00 feet and a central angle of 90°00'15" (chord bearing S.45°11'55"W., 35.36 feet) to a point of tangency; 2) N.89°47'57"W., a distance of 1370.41 feet to a point of curvature; 3) Westerly, 580.46 feet along the arc of a tangent curve to the right having a radius of 940.00 feet and a central angle of 35°22'50" (chord bearing N.72°06'32"W., 571.28 feet) to a point of reverse curvature; 4) Westerly, 1119.55 feet along the arc of a reverse curve to the left having a radius of 1560.00 feet and a central angle of 41°07'08" (chord bearing N.74°58'41"W., 1095.68 feet) to a point of tangency; 5) S.84°27'46"W., a distance of 895.75 feet to a point of curvature; 6) Southwesterly, 1013.75 feet along the arc of a tangent curve to the left having a radius of 1560.00 feet and a central angle of 37°14'00" (chord bearing S.65°50'46"W., 996.01 feet) to a point of tangency; 7) S.47°13'46"W., a distance of 832.86 feet to a point of curvature; 8) Southwesterly, 697.33 feet along the arc of a tangent curve to the right having a radius of 940.00 feet and a central angle of 42°30'16" (chord bearing S.68°28'54"W., 681.45 feet) to a point of tangency; 9) S.89°44'02"W., a distance of 578.98 feet to a point of curvature on the Easterly right of way line of (Proposed) Uihlein Road; thence along said Easterly right of way line of (Proposed) Uihlein Road, the following five (5) courses: 1) Northwesternly, 39.27 feet along the arc of a tangent curve to the right having a radius of 25.00 feet and a central angle of 90°00'00" (chord bearing N.45°15'58"W., 35.36 feet) to a point of tangency; 2) N.00°15'58"W., a distance of 854.80 feet to a point of curvature; 3) Northerly, 380.90 feet along the arc of a tangent curve to the right having a radius of 1470.00 feet and a central angle of 14°50'46" (chord bearing N.07°09'25"E., 379.83 feet) to a point of reverse curvature; 4) Northerly, 404.81 feet along the arc of a reverse curve to the left having a radius of 1590.00 feet and a central angle of 14°35'14" (chord bearing N.07°17'11"E., 403.71 feet) to a point of tangency; 5) N.00°00'26"W., a distance of 385.36 feet; thence S.89°53'43"E., a distance of 380.19 feet; thence S.79°53'38"E., a distance of 148.36 feet; thence N.79°52'59"E., a distance of 213.47 feet; thence S.67°33'23"E., a distance of 73.63 feet; thence N.71°49'56"E., a distance of 127.83 feet; thence S.74°39'37"E., a distance of 102.13 feet; thence N.67°06'15"E., a distance of 53.22 feet; thence N.87°04'59"E., a distance of 212.58 feet; thence N.72°57'48"E., a distance of 85.24 feet; thence N.84°37'49"E., a distance of 510.90 feet; thence S.65°19'22"E., a distance of 248.86 feet; thence S.86°30'52"E., a distance of 383.08 feet; thence N.61°05'17"E., a distance of 182.45 feet; thence N.32°13'33"E., a distance of 80.68 feet; thence N.73°17'12"E., a distance of 686.50 feet; thence N.65°15'18"E., a distance of 220.50 feet; thence N.75°43'01"E., a distance of 301.72 feet; thence N.83°00'35"E., a distance of 253.65 feet; thence N.66°55'03"E., a distance of 279.60 feet; thence N.85°04'28"E., a distance of 476.69 feet; thence N.74°27'43"E., a distance of 278.99 feet; thence N.55°24'03"E.,

a distance of 404.97 feet; thence S.68°10'59"E., a distance of 304.18 feet; thence N.84°51'22"E., a distance of 40.91 feet; thence N.46°11'29"E., a distance of 50.87 feet; thence N.26°09'20"E., a distance of 325.14 feet; thence N.35°10'10"E., a distance of 221.36 feet; thence N.62°37'09"E., a distance of 126.26 feet; thence N.84°14'22"E., a distance of 164.79 feet; thence S.88°52'08"E., a distance of 231.65 feet to the West right of way line of (Proposed) Bourneside Boulevard; thence along said West right of way line of (Proposed) Bourneside Boulevard, S.00°11'48"W., a distance of 2617.57 feet to the **POINT OF BEGINNING**.

Containing 249.582 acres, more or less.



FLORIDA DEPARTMENT *of* STATE

RON DESANTIS
Governor

LAUREL M. LEE
Secretary of State

August 7, 2020

Honorable Angelina Colonnese
Clerk of the Circuit Court
Manatee County
Post Office Box 25400
Bradenton, Florida 34206

Attention: Quantana Acevedo

Dear Ms. Colonnese:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of Manatee County Ordinance PDR-17-19(P)(R), which was filed in this office on August 7, 2020.

Sincerely,

Ernest L. Reddick
Program Administrator

ELR/lb