

## Manatee County Ordinance

### **PDR-21-18(P) - CREEKSIDE AT RUTLAND RANCH - CREEKSIDE DEVELOPMENT OF MANATEE, LLC -PLN2108-0160**

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, REGARDING LAND DEVELOPMENT, APPROVING A PRELIMINARY SITE PLAN FOR 95 SINGLE FAMILY DETACHED HOMES AND ASSOCIATED INFRASTRUCTURE FOR PROPERTY ZONED PDR (PLANNED DEVELOPMENT RESIDENTIAL) AND IS ON APPROXIMATELY 31.71 ACRES AND IS GENERALLY LOCATED ON THE NORTH SIDE OF CR 675,  $\pm 2 \frac{3}{4}$  MILES EAST OF US 301 AND IS COMMONLY KNOWN AS 15714 CR 675, PARRISH (MANATEE COUNTY); SUBJECT TO STIPULATIONS AS CONDITIONS OF APPROVAL; SETTING FORTH FINDINGS; PROVIDING A LEGAL DESCRIPTION; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

**WHEREAS**, Creekside Development of Manatee, LLC (the "Applicant") filed an application for a Preliminary Site Plan for 95 single family detached homes and associated infrastructure for property zoned PDR (Planned Development Residential) and is on approximately 31.71 acres as described in Exhibit "A", attached hereto, (the "Property"); and

**WHEREAS**, the applicant also filed a request for Specific Approval for an alternative to Land Development Code Sections: 1) 402.7.D.7: to modify the front yard setback from twenty-five (25) feet to 20 feet, and 2) 402.7.D.7 to modify the secondary front yard for corner lots from twenty (20) feet to fifteen (15) feet; and

**WHEREAS**, the Manatee County Planning Commission, after due public notice, held a public hearing on June 9, 2022, to consider the Preliminary Site Plan and Specific Approval applications 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 Specific Approval 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 subject to the stipulations 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 and Specific Approval 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 June 16, 2022, regarding the proposed Ordinance described herein in accordance with the requirements of the 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.

D. Notwithstanding the failure of this plan to comply with the requirements of LDC Section LDC Sec. 402.7.D.7, the Board finds that the purpose of the LDC regulation is satisfied to an equivalent degree, because adequate separation from the garage to the internal edge of the sidewalk will be provided to promote safe pedestrian movements and avoiding potential obstruction along sidewalks.

E. Notwithstanding the failure of this plan to comply with the requirements of LDC Section Sec. 402.7.D.7, the Board finds that the purpose of the LDC regulation is satisfied to an equivalent degree by providing fifteen (15) feet secondary front yard setback not allowing any driveway or garage face along this yard.

**Section 2. PRELIMINARY SITE PLAN.** The Preliminary Site Plan is hereby approved for 95 single family detached homes and associated infrastructure for property zoned PDR (Planned Development Residential) upon the property subject to the following Stipulations:

**A. DESIGN AND LAND USE**

1. All other applicable local, state or federal permits shall be obtained prior to commencement of construction.
2. The Notice to Buyer 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 informing prospective home buyers of:
  - The presence of neighboring agricultural uses, including possible use of pesticides and herbicides and of odors and noises associated with agricultural uses. (If applicable)
  - The presence of inter-neighborhood ties in the project which will connect to future roadways when development occurs on the adjacent property.
3. An internal area of 2.17 acres located at the center of the development between the group of lots identified as 19 to 36 and the group identified as 37 to 54 will be an open space tract for the enjoyment and expansion of the residents with two pedestrian access, as shown on the Master Site Plan. The Final Site Plan shall include the design for this area (benches, gazebo, trails, landscaped berms, screening buffers, etc.).

4. Any significant historical or archaeological resource discovered during development activities shall be immediately reported to the Florida Division of Historical Resources and treatment of such resources shall be determined in cooperation with the Division of Historical Resources and Manatee County. Treatment of the 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 (Offences Concerning Dead Bodies and Graves) shall be followed.
5. At time of the Final Site Plan submittal a five-foot wide sidewalk is required along this development's property line within the public R/W on CR 675 and connected to the site per LDC Section 1001.6.
6. Prior to vertical construction, the Applicant shall install at final grade a white 8-foot vinyl fence along the western and northwestern boundaries of the project, except where the fence would conflict with wetlands, wetland buffers or wetland enhancement areas.

## **B. ENVIRONMENTAL**

1. All other applicable state or federal permits shall be obtained prior to commencement of development.
2. Please provide Environmental Planning Section Staff a copy of all future mitigation monitoring reports sent to SWFWMD for Wetland mitigation.
3. Details of landscape materials, quantities, and species are not being approved with this Preliminary Site Plan. Staff will review and approve this detail with the Final Site Plan.
4. A Conservation Easement for the areas defined as post-development jurisdictional wetlands, wetland buffers, and upland preservation areas that will serve as wetland mitigation areas shall be dedicated to Manatee County prior to, or concurrent with, Final Plat approval or Certificate of Occupancy or Certificate of Completion issuance.
5. No lots shall be platted through post-development wetlands, wetland buffers or upland preservation areas
6. A Construction Water Quality Monitoring Program and proposed sampling locations are required to be included in the ESCP information on the Final Site Plan in accordance with Section 353.3 of the LDC.
7. If wells are encountered, a Well Management Plan for the proper protection and abandonment of existing wells shall be submitted to the EPS for review and approval prior to recommencing construction activities. 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.
8. 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

1. Pursuant to Section 801 Land Development Code, Manatee County Floodplain Ordinance (Ordinance #20-22, or as amended), and Code of Federal Regulations (CFR), Title 44, Section 60.3, the Construction Plan and associated Drainage Modeling shall demonstrate that no adverse impacts will be created to neighboring properties surrounding the site with respect to proposed impacts to the 100-year floodplain as derived from the Gamble Creek Watershed Management Plan (WMP), the FEMA FIRM, effective August 10, 2021, and post-development discharge of runoff. The following storm frequency events, corresponding cumulative rainfall, and rainfall distribution shall be provided as a comparison of the existing pre-development condition versus the proposed post-development development condition:

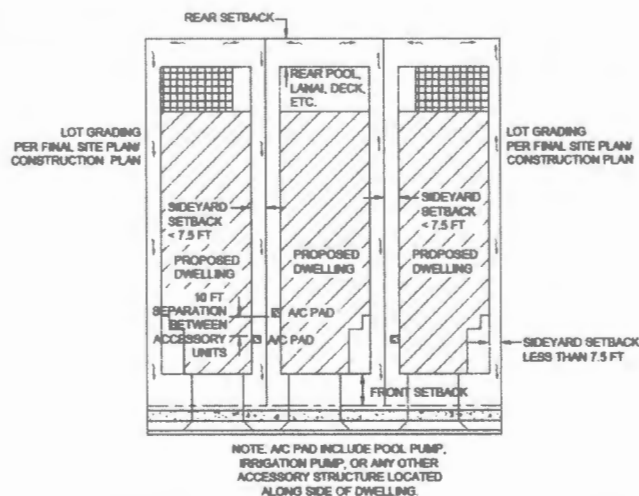
Storm Frequency:	Cumulative Rainfall:	Rainfall Distribution:
10-year/24-hour	7 inches	FLMOD
25-year/24-hour	8 inches	FLMOD
50-year/24-hour	9 inches	FLMOD
100-year/24-hour	10 inches	FLMOD
100-year/72-hour	18 inches	FDOT-72

50-year storm event modeling applies to thoroughfare drainage systems only.

The comparison of existing pre-development condition versus the proposed post-development development condition shall include results in terms of runoff and staging. Drainage Modeling (utilizing best available information from Gamble Creek Watershed Management Plan) shall be submitted to demonstrate

compliance prior to commencement of construction.

2. The Engineer of Record (EOR) shall submit drainage modeling to demonstrate the allowable pre-development rate of discharge has been reduced by fifty (50) percent for Gamble Creek Watershed.
3. Any fill within the 100-year floodplain with respect to the rainfall component of flooding shall be compensated by the creation of an equal or greater storage volume above seasonal high-water table. 100-year floodplain compensation shall be compensated in sole use compensation areas, not dual use facilities (i.e., stormwater attenuation and floodplain compensation). Alternatively, the applicant can utilize drainage modeling (submitted for review to the Public Works Department with subsequent Final Site Plan and/or Construction Plan submittal) to demonstrate no adverse drainage impacts are created for design storm frequency events to a no-rise condition.
4. A Drainage Easement shall be dedicated to Manatee County and be shown on the Final Site Plan for Waterhole Creek within the project boundaries. In addition, a twenty-five (25) feet Drainage-Maintenance Access Easement shall be provided along both top-of-banks of Waterhole Creek with the project boundaries. Manatee County is only responsible for maintaining the free flow of drainage through these systems.
5. 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 less than 7.5 feet.



**Section 3. SPECIFIC APPROVAL.** Specific Approval is hereby granted for alternatives to Lard Development Code Sections: 1) 402.7.D.7: to modify the front yard setback from twenty-five (25) feet to 20 feet, and 2) 402.7.D.7 to modify the secondary front yard for corner lots from twenty (20) feet to fifteen (15) feet. Specific Approval shall continue in effect and shall expire



concurrent with the Preliminary Site Plan for the project approved pursuant to Section 2 hereof.  
and IF APPLICABLE

**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, 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 5. 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 6. 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 7. EFFECTIVE DATE.** This ordinance shall take effect immediately upon filing with the Office of the Secretary of State, Florida Department of State.

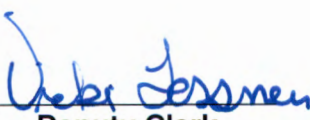
**PASSED AND DULY ADOPTED,** by the Board of County Commissioners of Manatee County, Florida on the 16<sup>th</sup> day of June 2022.



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

BY:   
Kevin Van Ostenbridge, Chairman

**ATTEST: ANGELINA COLONNESO  
Clerk of the Circuit Court**

BY:   
Deputy Clerk

**Exhibit "A"**


**Legal Description**

THIS LEGAL DESCRIPTION WAS PREPARED WITH THE BENEFIT OF A LAND TITLE COMMITMENT ISSUED BY OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY, COMMITMENT NUMBER 948564 9814-003, WITH A COMMITMENT DATE OF SEPTEMBER 18, 2020 AT 11:00 PM.

A PARCEL OF LAND IN SECTION 35, TOWNSHIP 33 SOUTH, RANGE 19 EAST, MANATEE COUNTY, FLORIDA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCE AT THE NORTHWEST CORNER OF SAID SECTION 35; THENCE S 01DEG39'51" E, ALONG THE WEST LINE OF SAID SECTION 35, A DISTANCE OF 311.01 FEET TO A POINT ON THE NORTHERLY MONUMENTED RIGHT-OF-WAY LINE OF RUTLAND ROAD, SAID POINT BEING A POINT ON A CURVE CONCAVE TO THE NORTHEAST, HAVING A RADIUS OF 3362.75 FEET; THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE AND SAID RIGHT- OF-WAY LINE, THROUGH A CENTRAL ANGE OF 02DEG55'04", A DISTANCE OF 171.24 FEET (CHORD = 171.22; CHORD BEARING = S 48DEG12'18" E); THENCE S 40DEG20'10" W, ALONG SAID MONUMENTED RIGHT-OF-WAY LINE, A DISTANCE OF 25.00 FEET TO A POINT ON A CURVE CONCAVE TO THE NORTHEAST, HAVING A RADIUS OF 3387.75 FEET; THENCE SOUTHEASTERLY, ALONG THE ARC OF SAID CURVE AND SAID RIGHT-OF-WAY LINE, THROUGH A CENTRAL ANGLE OF 04DEG49'50", A DISTANCE OF 285.62 FEET (CHORD = 285.53 FEET; CHORD BEARING = S 52DEG04'45" E) TO THE POINT OF TANGENCY OF SAID CURVE; THENCE S 54DEG24'47" E, ALONG SAID MONUMENTED RIGHT-OF-WAY LINE, A DISTANCE OF 143.28 FEET FOR A POINT OF BEGINNING; THENCE CONTINUE S 54DEG24'47" E, ALONG SAID MONUMENTED RIGHT-OF-WAY LINE, A DISTANCE OF 280.00 FEET; THENCE LEAVING SAID RIGHT-OF-WAY LINE, GO N 35DEG35'13" E, 750.15 FEET; THENCE N 75DEG58'38" W, 475.97 FEET; THENCE S 00DEG31'40" E, 275.96 FEET; THENCE S 35DEG35'13" W, 352.28 FEET TO THE POINT OF BEGINNING. AND

A PARCEL OF LAND IN SECTION 26 AND 35, TOWNSHIP 33 SOUTH, RANGE 19 EAST, MANATEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCE AT THE NORTHWEST CORNER OF SAID SECTION 35; THENCE S 1DEG46'22" E, ALONG THE WEST LINE OF SAID SECTION 35, A DISTANCE OF 310.62 FEET TO A POINT ON THE NORTHERLY MONUMENTED RIGHT-OF-WAY LINE OF RUTLAND ROAD (MANATEE COUNTY ROAD NO. 675), SAID POINT BEING A POINT ON A CURVE, CONCAVE TO THE NORTHEAST, HAVING A RADIUS OF 3362.75 FEET; THENCE SOUTHEASTERLY, ALONG THE ARC OF SAID CURVE AND SAID RIGHT-OF-WAY LINE, THROUGH





A CENTRAL ANGLE OF 2DEG55'04", A DISTANCE OF 171.25 FEET (CHORD = 171.23; CHORD BEARING = S 48DEG12'16" E); THENCE S 40DEG20'12" W, ALONG SAID MONUMENTED RIGHT-OF-WAY LINE, A DISTANCE OF 25.00 FEET TO A POINT ON A CURVE, CONCAVE TO THE NORTHEAST, HAVING A RADIUS OF 3387.75 FEET; THENCE SOUTHEASTERLY, ALONG THE ARC OF SAID CURVE AND SAID RIGHT-OF-WAY LINE, THROUGH A CENTRAL ANGLE OF 4DEG49'50", A DISTANCE OF 285.62 FEET (CHORD = 285.53 FEET; CHORD BEARING = S 52DEG04'43" E) TO THE POINT OF TANGENCY OF SAID CURVE; THENCE S 54DEG29'38" E, ALONG SAID RIGHT-OF-WAY LINE, 59.28 FEET FOR A POINT OF BEGINNING; THENCE CONTINUE S 54DEG29'38" E, ALONG SAID RIGHT-OF-WAY LINE, 84.00 FEET TO THE SOUTHWEST CORNER OF A PARCEL OF LAND AS RECORDED IN O.R. BOOK 1451, PAGE 3365, OF THE PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA; THENCE N 35DEG30'56" E, ALONG THE WESTERLY LINE OF SAID PARCEL. 352.30 FEET; THENCE N 0DEG35'57" W, ALONG SAID WESTERLY LINE, 275.99 FEET TO THE NORTHWEST CORNER OF SAID PARCEL; THENCE S 76DEG02'55" E, ALONG THE NORTH LINE OF SAID PARCEL, 475.97 FEET TO THE NORTHEAST CORNER OF SAID PARCEL; THENCE N 35DEG30'51" E, 328.13 FEET TO A POINT ON THE NORTH LINE OF SAID SECTION 35; ALSO BEING THE SOUTH LINE OF SAID SECTION 26; THENCE N 0DEG35'57" W. 1328.31 FEET TO A POINT ON THE NORTH LINE OF THE SOUTH 1/2 OF THE SOUTHWEST 1/4 OF SAID SECTION 26; THENCE S 89DEG25'05" W, ALONG SAID NORTH LINE 738.10 FEET; THENCE S 0DEG35'57" E, 1722.64 FEET; THENCE S 35DEG30'56" W, 324.93 FEET TO SAID POINT OF BEGINNING.





## FLORIDA DEPARTMENT *of* STATE

**RON DESANTIS**  
Governor

**CORD BYRD**  
Secretary of State

June 22, 2022

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

Attention: Vicki Tessmer

Dear Honorable Angelina Colonnese:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of Manatee County Ordinance No. PDR-21-18(P), which was filed in this office on June 17, 2022.

Sincerely,

Anya Owens  
Program Administrator

ACO/mas