

FILED FOR RECORD
R. B. SHORE

2009 JAN 22 PM 1:42

CLERK OF THE COUNTY COURT
MANATEE CO. FLORIDA

MANATEE COUNTY ZONING ORDINANCE
PDR-04-18(Z)(P) – B & B SUNCOAST LAND DEVELOPMENT / WILLOW BEND
DTS # 20050314

FILED
2009 JAN 12 AM 10:15
TALLAHASSEE, FLORIDA

CORRECTIVE DOCUMENT

AN ORDINANCE OF MANATEE COUNTY, FLORIDA, REGARDING LAND DEVELOPMENT, AMENDING THE OFFICIAL ZONING ATLAS (ORDINANCE NO. 90-01, THE MANATEE COUNTY LAND DEVELOPMENT CODE) RELATING TO ZONING WITHIN THE UNINCORPORATED AREA; PROVIDING FOR THE REZONING OF APPROXIMATELY 114.81 ACRES SOUTH OF ERIE ROAD AT 6985 MARTH ROAD, PARRISH FROM A/NCO (GENERAL AGRICULTURE/NORTH CENTRAL OVERLAY) AND A-1/NCO (SUBURBAN AGRICULTURE/NORTH CENTRAL OVERLAY) TO THE PDR (PLANNED DEVELOPMENT RESIDENTIAL) ZONING DISTRICT, RETAINING THE NORTH CENTRAL OVERLAY; APPROVE A PRELIMINARY SITE PLAN FOR 279 LOTS FOR SINGLE-FAMILY DETACHED RESIDENCES; SUBJECT TO STIPULATIONS AS CONDITIONS OF APPROVAL; SETTING FORTH FINDINGS; PROVIDING A LEGAL DESCRIPTION; PROVIDING FOR SEVERABILITY, AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, David McNabb, et. Al (the "Applicant") filed an application to rezone approximately 114.81 acres described in Exhibit "A", attached hereto, (the "property") from A/NCO (General Agriculture/North Central Overlay) and A-1/NCO (Suburban Agriculture/North Central overlay) to the PDR (Planned Development Residential) zoning district, retaining the North Central Overlay; and

WHEREAS, the applicant filed a Preliminary Site Plan for 279 lots for single-family detached residences (the "Project") on the property; and

WHEREAS, the applicant filed a request for Special Approval for a project: 1) exceeding a gross density of 1 dwelling unit per acre in the UF-3 Future Land Use Category, and 2) adjacent to a Perennial Stream; and

WHEREAS, the applicant filed a request for Specific Approval for an alternative to Section 712.2.8 of the Land Development Code; and

WHEREAS, Planning staff recommended approval of the rezone, Preliminary Site Plan, and Special Approval, and denial of the 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 November 13, 2008 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 Rezone, Preliminary Site Plan, and Special 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 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 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/NCO (General Agriculture/North Central Overlay) and A-1/NCO (Suburban Agriculture/North Central overlay) to the PDR (Planned Development Residential) zoning district, retaining the North Central Overlay.

B. The Board of County Commissioners held a duly noticed public hearing on December 4, 2008 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 the 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 2020 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 712.2.8, the Board finds that the public purpose and intent of the LDC regulations are satisfied to an equivalent degree. A shell or similar surface road will be constructed to the north connecting to Erie Road to serve as both a second means of access and a construction entrance with stipulations which address stormwater retention, construction, and maintenance of this temporary road along with a maximum time limit of seven (7) years from the date of first construction drawing approval for Willow Bend, for paving.

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Section 2. PRELIMINARY SITE PLAN. The Preliminary Site Plan is hereby approved for 279 lots for single-family detached residences on the property subject to the following Stipulations:

STIPULATIONS:

A. DESIGN AND LAND USE CONDITIONS:

1. 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.
2. All corner lots shall be 15% wider than the minimum lot size identified for each phase or lot type. If there is common open space between the lot and the right-of-way, the common open space and the side yard setback combined shall meet the minimum front yard setback.
3. No lots shall be platted through any greenbelt, landscape buffer, retention pond, wetland, or wetland buffer.
4. Prior to Final Plat approval, the applicant shall post a sign at the inter-neighborhood tie to the west informing prospective purchasers and residents of the future Inter-neighborhood tie. The size, placement, and materials for this sign shall be determined with the Final Site Plan.
5. Any Phase of this project containing more than one hundred (100) dwelling units shall have a second means of access in accordance with LDC Section 712.2.8.

B. TRANSPORTATION CONDITIONS:

1. At the time of Final Site Plan and Construction Plan approval for each phase of the project the developer shall be responsible for any additional on-site or off-site transportation operational and safety improvements attributable to this project, as determined by the Public Works Department, and in accordance with LDC Section 722.1.3.4., as well as any capacity improvements associated with the issuance of a Certificate of Level of Service.

2. All traffic concurrency-related transportation improvements and required traffic safety and operational improvements shall be shown on the Final Site Plan(s) and Construction Plan(s).
3. Once 90% of the certificates of occupancy for homes in Willow Bend subdivision have been issued, Willow Bend HOA shall contribute 42% of the actual cost to repair (one time) the existing decorative pavers at the entrance portion of Lexington Drive at US 301 and 116th Avenue East at US 301 and at the intersection of 57th Street East, 57th Circle East and Lexington Drive.
4. The Construction Access and second means of access through a separate property to the north as generally shown on Sheet 10 of the preliminary site plan, shall be 20 feet wide of stabilized shell or other material and maintained by the applicant for travel until such time as a second means of access to the Willow Bend Subdivision has been constructed to County Standards, in any event, for a period not to exceed 7 years after approval of the First Construction Drawings for Willow Bend. The design for construction of this second means of access through a separate property to the north as generally shown on Sheet 10 of the preliminary site plan shall be approved by Public Works, Fire and EMS. However, if a second means of access to Willow Bend Subdivision has not been constructed to County standards prior to issuance of the certificate of occupancy for the 101st home in Willow Bend Subdivision, then the second means of access through a separate property to the north as generally shown on sheet 10 of the preliminary site plan shall be paved 20 feet wide with ¾" asphalt (not to County standards).
5. The roadway connection to Lexington shall be blocked with a fence, gate or other similar barrier as approved by Public Works, EMS and Fire, until such time as all infrastructure for Phase I of the project is certified complete. After this time, signs shall be placed directing construction traffic to project's Erie Road access.
6. The declaration of covenants and restrictions for the project shall include a provision that prohibits construction vehicles from accessing the project via 114th Drive East, and the right for the Willow Bend HOA to enforce this prohibition and provide for remedies, including but not limited to imposing charges against any lot owner whose contractor(s) or subcontractor(s) violate this provision while constructing a house for such lot owner. One warning will be issued for the 1st violation by a lot owner, his contractor(s) or subcontractor(s), the 2nd violation by a lot owner, his contractor(s) or subcontractor(s), will be a \$25.00 charge, the 3rd violation by a lot owner, his contractor(s) or subcontractor(s), will be a \$50.00 charge. After that, each violation by a lot owner, his contractor(s) or subcontractor(s), will be a \$100 charge.
7. The applicant shall post a sign (subject to Lexington HOA approval of location) In the Lexington Subdivision that states that no construction vehicles may enter Willow Bend through the Lexington Subdivision or they will be fined per the deed restrictions. The sign will also state the following, "Lexington residents, please report any violations to the Willow Bend HOA manager at (phone #) or by

emailing (email address)".

C. STORMWATER CONDITIONS:

1. Any fill within the 25-year or 100-year floodplains of the Wade Canal shall be compensated by the creation of an equal or greater storage volume above seasonal high water table, or a CLOMR shall be obtained prior to final site plan approval. 100-year and 25-year floodplain compensation shall be compensated in sole use compensation areas, not dual use facilities (i.e., stormwater attenuation and floodplain compensation).
2. Any crossing of Wade Canal shall be approved by the Stormwater Management Division and be based on the No-Rise permit approval. A no-rise permit shall be required for all encroachment within the FEMA 100-year floodway on Wade Canal.
3. A Private Drainage Easement shall be shown on the Final Site Plan and Final Plat along the eastern property line of Lot #42, within the project boundaries, and be exclusive of any landscape easement or buffer.
4. There shall be full 25-year attenuation on all stormwater ponds within the development.
5. The existing 25-year flood elevation along the Wade Canal shall be utilized as tail water condition.
6. All residential lots shall be outside of the post-development 25-year floodplain.
7. The 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 Wade Canal. Modeling shall be used to determine pre- and post-development flows.
8. The Drainage Model and Construction Plan shall demonstrate that no adverse impacts will be created to neighboring residents surrounding the site in respect to drainage routing, grading, and site runoff.
9. The existing drainage conveyance system between Lexington Subdivision and Wade Canal shall be maintained or a bypass conveyance system shall be provided. Final engineering design of a bypass conveyance system must be approved prior to Final Site Plan approval.
10. A Drainage Easement shall be dedicated to Manatee County and be shown on the Final Site Plan and Final Plats along Wade Canal within the project boundaries. In addition, twenty-five (25) feet wide Drainage Maintenance and Access Easement shall be dedicated on at least on side of Wade Canal.

Drainage-Maintenance Access Easements shall be free of exotic/nuisance vegetation and proposed landscaping. Existing trees are permitted to remain. Manatee County is only responsible for maintaining the free flow of drainage through these systems. The developer shall include in the homeowner's documents that Manatee County has no obligation relative to Wade Canal to maintain, change, improve, clean, repair natural erosion, restore the natural changes in the course of the stream bed or correct any other condition not caused by the County.

11. A No-Rise Certification (and all corresponding technical data) required for encroachment within the regulatory floodway of Wade Canal must be approved prior to Final Site Plan and Construction Drawing approval.
12. Stormwater facilities shall be provided for the second means of access if constructed of an impervious surface such as shell, asphalt, concrete, etc. Stormwater facilities will not have to be provided for the second means of access if constructed with a pervious surface such as number 57 stone over geo-grid. The design shall be included with the Final Site Plan and Construction Plans for this project. The design shall provide free flow of existing drainage runoff across the proposed second means of access. Stormwater facilities, if required, shall be privately maintained by the development and comply with all additional stormwater and floodplain stipulations.

D. BUFFERS:

1. No detention or retention ponds shall be constructed within landscape buffers or greenbelts.
2. Existing native vegetation within required landscape buffers shall be preserved to the greatest extent possible. There shall be no overhead or underground power lines, swales, or stormwater facilities within any proposed landscape buffer containing desirable native vegetation.
3. All required landscaping within the buffers shall be installed on the exterior of any walls or fences.
4. All walls and fences within the buffers shall be measured from the finished grade of the adjacent road or lot (exclusive of any swales), whichever is greater. This requirement shall be verified with a cross-section detail on the Final Site Plan.
5. At time of Final Site Plan approval, all perimeter buffers adjacent to active agriculture shall be a minimum of 35' wide. At time of Final Plat approval, if active agriculture is no longer present, the buffers may be reduced to 20'.
6. The southernmost 20 feet of Lot 42 shall be placed in a Tree Preservation Easement.

E. ENVIRONMENTAL CONDITIONS:

1. 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.
2. Prior to Final Site Plan approval, improvements within the recreation area shall be adjusted to minimize impacts to trees in that area. The adjustments shall be based on a site visit by staff with the applicant to assess the health of trees and to avoid impacts to healthy viable trees.
3. 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, occur in areas that contain native desirable vegetation. This shall be reviewed and approved by the Planning Department with Final Site Plan.
4. A 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.
5. Existing native vegetation within any required landscape buffer shall be preserved to the greatest extent possible. There shall be no overhead or underground power lines, swales, or stormwater facilities within any proposed landscape buffer containing desirable native vegetation with the exception of limited crossings.
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. Tree barricades for trees to be preserved shall be 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.
8. 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 508.3.34.7(j) of the LDC.
9. A Well Management Plan shall be submitted to the Planning Department for review and approval prior to Final Site Plan approval. The Well Management Plan shall include identification of which wells are to be retained or abandoned;

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the timing of abandonment, wellhead protection details for those wells to remain, and a copy of all Water Use Permits, if applicable.

10. 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, including on individual lots.

F. RECREATIONAL:

1. At time of Final Site Plan, the recreational amenities shall be substantially consistent with those shown on the approved Preliminary Site Plan.
2. Detailed plans of all recreational amenities shall be required with or prior to the Final Site Plan for the subdivision.
3. The material and location of the proposed nature trail shall be reviewed and approved by the Planning, Parks and Recreation, and the Public Works Departments with the Final Site Plan.

G. NOTICES

1. 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 informing prospective homeowners in the project:
 - a. The location of the inter-neighborhood ties and the potential for future traffic through the subdivision,

Section 3. SPECIAL AND SPECIFIC APPROVALS. Special Approval is hereby granted for a project: 1) exceeding gross density of 1 dwelling unit per acre in the UF-3 Future Land Use Category, and 2) adjacent to a Perennial Stream. 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. Specific Approval is hereby approved for an alternative to Section 712.2.8 of the Land Development Code.

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 district classification of the property identified in Exhibit "A" herein from A/NCO (General Agriculture/North Central Overlay) and A-1/NCO (Suburban Agriculture/North Central overlay) to the PDR (Planned Development Residential) zoning district, retaining the North Central Overlay 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 4th day of December, 2008 and as amended on 8th day of January 2009.

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

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

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

BY: *Jurisa Adams*
Deputy Clerk



CORRECTIVE DOCUMENT

EXHIBIT "A"

LEGAL DESCRIPTION

LEGAL DESCRIPTION (REVISED 08/13/08)

A PARCEL OF LAND LYING AND BEING IN SECTIONS 30 AND 31, TOWNSHIP 33 SOUTH, RANGE 19 EAST, MANATEE COUNTY, FLORIDA.

BEGIN AT THE NORTHWEST CORNER OF THE NORTHWEST 1/4 OF THE NORTHEAST 1/4 OF SAID SECTION 31; THENCE S.81°12'45"E., A DISTANCE OF 1,329.25 FEET; THENCE S.00°29'30"E., A DISTANCE OF 50.42 FEET; THENCE S.84°56'52"E., A DISTANCE OF 166.39 FEET; THENCE S.00°38'13"E., A DISTANCE OF 13.78 FEET; THENCE S.85°44'13"E., A DISTANCE OF 188.32 FEET; THENCE N.85°42'02"E., A DISTANCE OF 321.91 FEET; THENCE S.00°04'57"E., A DISTANCE OF 459.53 FEET; THENCE N.88°16'24"W., A DISTANCE OF 661.84 FEET; THENCE S.00°20'21"W., A DISTANCE OF 697.92 FEET TO THE INTERSECTION WITH THE NORTH LINE OF LEXINGTON PHASE V, VI, VII - A SUBDIVISION AS PER PLAT THEREOF RECORDED IN PLAT BOOK 45, PAGE 14 OF THE PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA; THENCE N.89°51'45"W., ALONG SAID NORTH LINE, A DISTANCE OF 1326.23 FEET TO THE WEST LINE OF SAID LEXINGTON PHASE V, VI, VII; THENCE S.00°04'39"W. ALONG SAID WEST LINE, A DISTANCE OF 336.40 FEET TO THE INTERSECTION WITH THE NORTH LINE OF LEXINGTON, A SUBDIVISION AS PER PLAT THEREOF RECORDED IN PLAT BOOK 42 PAGE 155 OF SAID PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA; THENCE S.89°10'58"W. ALONG SAID NORTH LINE, A DISTANCE OF 690.28 FEET; THENCE CONTINUE ALONG SAID NORTH LINE AND ITS WESTERLY EXTENSION S.89°14'48"W., A DISTANCE OF 825.50 TO THE INTERSECTION WITH THE EAST LINE OF HARRISON RANCH PHASE IIB, A SUBDIVISION AS PER PLAT THEREOF RECORDED IN PLAT BOOK 51, PAGE 123 OF THE PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA; THENCE N.00°28'27"E., ALONG SAID EAST LINE, A DISTANCE OF 1560.31 FEET TO THE NORTHEAST CORNER OF SAID HARRISON RANCH, PHASE IIB; THENCE N.80°08'23"E., A DISTANCE OF 520.35 FEET; THENCE N.00°12'06"W., A DISTANCE OF 729.84 FEET; THENCE N.88°02'41"E., A DISTANCE OF 657.08 FEET; THENCE S.00°18'32"E., A DISTANCE OF 644.48 FEET; THENCE N.88°57'41"E., A DISTANCE OF 335.45 FEET TO THE POINT OF BEGINNING.

CONTAINING 114.81 ACRES, MORE OR LESS.
SUBJECT TO PERTINENT EASEMENTS, RIGHTS OF WAY AND RESTRICTIONS OF RECORD, IF ANY.

CORRECTIVE DOCUMENT



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 9th day of January, 2009.
R.B. SHORE
Clerk of Circuit Court
By: Diarr E. Vallmer

FILED FOR RECORD
R. B. SHORE

2009 JAN 22 PM 1:42

CLERK OF THE CIRCUIT COURT
MANATEE CO. FLORIDA
CHARLIE CRIST
Governor



FLORIDA DEPARTMENT *of* STATE

STATE LIBRARY AND ARCHIVES OF FLORIDA

KURT S. BROWNING
Secretary of State

January 13, 2009

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

Attention: Ms. Vicki Jarratt

Dear Mr. Shore:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your letter dated January 9, 2009 and certified copies of Manatee County Ordinance Nos. PDR-04-18(Z) (P), PDR-06-38(Z) (P) and 08-13, which were filed in this office on January 12, 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/jru
Enclosure

DIRECTOR'S OFFICE

R.A. Gray Building • 500 South Bronough Street • Tallahassee, Florida 32399-0250
850.245.6600 • FAX: 850.245.6735 • TDD: 850.922.4085 • <http://dlis.dos.state.fl.us>

COMMUNITY DEVELOPMENT
850.245.6600 • FAX: 850.245.6643

STATE LIBRARY OF FLORIDA
850.245.6600 • FAX: 850.245.6744

STATE ARCHIVES OF FLORIDA
850.245.6700 • FAX: 850.488.4894

LEGISLATIVE LIBRARY SERVICE
850.488.2812 • FAX: 850.488.9879

RECORDS MANAGEMENT SERVICES
850.245.6750 • FAX: 850.245.6795

ADMINISTRATIVE CODE AND WEEKLY
850.245.6270 • FAX: 850.245.6282

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PDR-04-18(Z)(P) – B & B SUNCOAST LAND DEVELOPMENT / WILLOW BEND
DTS # 20050314**

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WHEREAS, the Manatee County Planning Commission, as the County's Local Planning Agency, found the Rezone, Preliminary Site Plan, and Special 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 of the applications, subject to the stipulations contained in the staff report.

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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 712.2.8, the Board finds that the public purpose and intent of the LDC regulations are satisfied to an equivalent degree. A shell or similar surface road will be constructed to the north connecting to Erie Road to serve as both a second means of access and a construction entrance with stipulations which address stormwater retention, construction, and maintenance of this temporary road along with a maximum time limit of seven (7) years from the date of first construction drawing approval for Willow Bend, for paving.

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1. At the time of Final Site Plan and Construction Plan approval for each phase of the project the developer shall be responsible for any additional on-site or off-site transportation operational and safety improvements attributable to this project, as determined by the Public Works Department, and in accordance with LDC Section 722.1.3.4., as well as any capacity improvements associated with the issuance of a Certificate of Level of Service.

2. All traffic concurrency-related transportation improvements and required traffic safety and operational improvements shall be shown on the Final Site Plan(s) and Construction Plan(s).
3. Once 90% of the certificates of occupancy for homes in Willow Bend subdivision have been issued, Willow Bend HOA shall contribute 42% of the actual cost to repair (one time) the existing decorative pavers at the entrance portion of Lexington Drive at US 301 and 116th Avenue East at US 301 and at the intersection of 57th Street East, 57th Circle East and Lexington Drive.
4. The Construction Access and second means of access through a separate property to the north as generally shown on Sheet 10 of the preliminary site plan, shall be 20 feet wide of stabilized shell or other material and maintained by the applicant for travel until such time as a second means of access to the Willow Bend Subdivision has been constructed to County Standards, in any event, for a period not to exceed 7 years after approval of the First Construction Drawings for Willow Bend. The design for construction of this second means of access through a separate property to the north as generally shown on Sheet 10 of the preliminary site plan shall be approved by Public Works, Fire and EMS. However, if a second means of access to Willow Bend Subdivision has not been constructed to County standards prior to issuance of the certificate of occupancy for the 101st home in Willow Bend Subdivision, then the second means of access through a separate property to the north as generally shown on sheet 10 of the preliminary site plan shall be paved 20 feet wide with ¾" asphalt (not to County standards).
5. The roadway connection to Lexington shall be blocked with a fence, gate or other similar barrier as approved by Public Works, EMS and Fire, until such time as all infrastructure for Phase I of the project is certified complete. After this time, signs shall be placed directing construction traffic to project's Erie Road access.
6. The declaration of covenants and restrictions for the project shall include a provision that prohibits construction vehicles from accessing the project via 114th Drive East, and the right for the Willow Bend HOA to enforce this prohibition and provide for remedies, including but not limited to imposing charges against any lot owner whose contractor(s) or subcontractor(s) violate this provision while constructing a house for such lot owner. One warning will be issued for the 1st violation by a lot owner, his contractor(s) or subcontractor(s), the 2nd violation by a lot owner, his contractor(s) or subcontractor(s), will be a \$25.00 charge, the 3rd violation by a lot owner, his contractor(s) or subcontractor(s), will be a \$50.00 charge. After that, each violation by a lot owner, his contractor(s) or subcontractor(s), will be a \$100 charge.
7. The applicant shall post a sign (subject to Lexington HOA approval of location) In the Lexington Subdivision that states that no construction vehicles may enter Willow Bend through the Lexington Subdivision or they will be fined per the deed restrictions. The sign will also state the following, "Lexington residents, please report any violations to the Willow Bend HOA manager at (phone #) or by

emailing (email address)".

C. STORMWATER CONDITIONS:

1. Any fill within the 25-year or 100-year floodplains of the Wade Canal shall be compensated by the creation of an equal or greater storage volume above seasonal high water table, or a CLOMR shall be obtained prior to final site plan approval. 100-year and 25-year floodplain compensation shall be compensated in sole use compensation areas, not dual use facilities (i.e., stormwater attenuation and floodplain compensation).
2. Any crossing of Wade Canal shall be approved by the Stormwater Management Division and be based on the No-Rise permit approval. A no-rise permit shall be required for all encroachment within the FEMA 100-year floodway on Wade Canal.
3. A Private Drainage Easement shall be shown on the Final Site Plan and Final Plat along the eastern property line of Lot #42, within the project boundaries, and be exclusive of any landscape easement or buffer.
4. There shall be full 25-year attenuation on all stormwater ponds within the development.
5. The existing 25-year flood elevation along the Wade Canal shall be utilized as tail water condition.
6. All residential lots shall be outside of the post-development 25-year floodplain.
7. The 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 Wade Canal. Modeling shall be used to determine pre- and post-development flows.
8. The Drainage Model and Construction Plan shall demonstrate that no adverse impacts will be created to neighboring residents surrounding the site in respect to drainage routing, grading, and site runoff.
9. The existing drainage conveyance system between Lexington Subdivision and Wade Canal shall be maintained or a bypass conveyance system shall be provided. Final engineering design of a bypass conveyance system must be approved prior to Final Site Plan approval.
10. A Drainage Easement shall be dedicated to Manatee County and be shown on the Final Site Plan and Final Plats along Wade Canal within the project boundaries. In addition, twenty-five (25) feet wide Drainage Maintenance and Access Easement shall be dedicated on at least on side of Wade Canal.

Drainage-Maintenance Access Easements shall be free of exotic/nuisance vegetation and proposed landscaping. Existing trees are permitted to remain. Manatee County is only responsible for maintaining the free flow of drainage through these systems. The developer shall include in the homeowner's documents that Manatee County has no obligation relative to Wade Canal to maintain, change, improve, clean, repair natural erosion, restore the natural changes in the course of the stream bed or correct any other condition not caused by the County.

11. A No-Rise Certification (and all corresponding technical data) required for encroachment within the regulatory floodway of Wade Canal must be approved prior to Final Site Plan and Construction Drawing approval.
12. Stormwater facilities shall be provided for the second means of access if constructed of an impervious surface such as shell, asphalt, concrete, etc. Stormwater facilities will not have to be provided for the second means of access if constructed with a pervious surface such as number 57 stone over geo-grid. The design shall be included with the Final Site Plan and Construction Plans for this project. The design shall provide free flow of existing drainage runoff across the proposed second means of access. Stormwater facilities, if required, shall be privately maintained by the development and comply with all additional stormwater and floodplain stipulations.

D. BUFFERS:

1. No detention or retention ponds shall be constructed within landscape buffers or greenbelts.
2. Existing native vegetation within required landscape buffers shall be preserved to the greatest extent possible. There shall be no overhead or underground power lines, swales, or stormwater facilities within any proposed landscape buffer containing desirable native vegetation.
3. All required landscaping within the buffers shall be installed on the exterior of any walls or fences.
4. All walls and fences within the buffers shall be measured from the finished grade of the adjacent road or lot (exclusive of any swales), whichever is greater. This requirement shall be verified with a cross-section detail on the Final Site Plan.
5. At time of Final Site Plan approval, all perimeter buffers adjacent to active agriculture shall be a minimum of 35' wide. At time of Final Plat approval, if active agriculture is no longer present, the buffers may be reduced to 20'.
6. The southernmost 20 feet of Lot 42 shall be placed in a Tree Preservation Easement.

E. ENVIRONMENTAL CONDITIONS:

1. 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.
2. Prior to Final Site Plan approval, improvements within the recreation area shall be adjusted to minimize impacts to trees in that area. The adjustments shall be based on a site visit by staff with the applicant to assess the health of trees and to avoid impacts to healthy viable trees.
3. 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, occur in areas that contain native desirable vegetation. This shall be reviewed and approved by the Planning Department with Final Site Plan.
4. A 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.
5. Existing native vegetation within any required landscape buffer shall be preserved to the greatest extent possible. There shall be no overhead or underground power lines, swales, or stormwater facilities within any proposed landscape buffer containing desirable native vegetation with the exception of limited crossings.
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. Tree barricades for trees to be preserved shall be 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.
8. 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 508.3.34.7(j) of the LDC.
9. A Well Management Plan shall be submitted to the Planning Department for review and approval prior to Final Site Plan approval. The Well Management Plan shall include identification of which wells are to be retained or abandoned;

CORRECTIVE DOCUMENT

the timing of abandonment, wellhead protection details for those wells to remain, and a copy of all Water Use Permits, if applicable.

- 10. 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, including on individual lots.

F. RECREATIONAL:

- 1. At time of Final Site Plan, the recreational amenities shall be substantially consistent with those shown on the approved Preliminary Site Plan.
- 2. Detailed plans of all recreational amenities shall be required with or prior to the Final Site Plan for the subdivision.
- 3. The material and location of the proposed nature trail shall be reviewed and approved by the Planning, Parks and Recreation, and the Public Works Departments with the Final Site Plan.

G. NOTICES

- 1. 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 informing prospective homeowners in the project:
 - a. The location of the inter-neighborhood ties and the potential for future traffic through the subdivision,

Section 3. SPECIAL AND SPECIFIC APPROVALS. Special Approval is hereby granted for a project: 1) exceeding gross density of 1 dwelling unit per acre in the UF-3 Future Land Use Category, and 2) adjacent to a Perennial Stream. 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. Specific Approval is hereby approved for an alternative to Section 712.2.8 of the Land Development Code.

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 district classification of the property identified in Exhibit "A" herein from A/NCO (General Agriculture/North Central Overlay) and A-1/NCO (Suburban Agriculture/North Central overlay) to the PDR (Planned Development Residential) zoning district, retaining the North Central Overlay 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.

CORRECTIVE DOCUMENT

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 4th day of December, 2008 and as amended on 8th day of January 2009.

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

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

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

BY: [Signature]
Deputy Clerk



CORRECTIVE DOCUMENT

EXHIBIT "A"

LEGAL DESCRIPTION

LEGAL DESCRIPTION (REVISED 08/13/08)

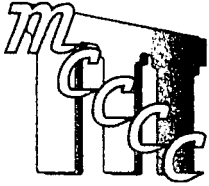
A PARCEL OF LAND LYING AND BEING IN SECTIONS 30 AND 31, TOWNSHIP 33 SOUTH, RANGE 19 EAST, MANATEE COUNTY, FLORIDA.

BEGIN AT THE NORTHWEST CORNER OF THE NORTHWEST 1/4 OF THE NORTHEAST 1/4 OF SAID SECTION 31; THENCE S.81°12'45"E., A DISTANCE OF 1,329.25 FEET; THENCE S.00°29'30"E., A DISTANCE OF 50.42 FEET; THENCE S.84°56'52"E., A DISTANCE OF 166.39 FEET; THENCE S.00°38'13"E., A DISTANCE OF 13.78 FEET; THENCE S.85°44'13"E., A DISTANCE OF 188.32 FEET; THENCE N.85°42'02"E., A DISTANCE OF 321.91 FEET; THENCE S.00°04'57"E., A DISTANCE OF 459.53 FEET; THENCE N.88°16'24"W., A DISTANCE OF 661.84 FEET; THENCE S.00°20'21"W., A DISTANCE OF 697.92 FEET TO THE INTERSECTION WITH THE NORTH LINE OF LEXINGTON PHASE V, VI, VII - A SUBDIVISION AS PER PLAT THEREOF RECORDED IN PLAT BOOK 45, PAGE 14 OF THE PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA; THENCE N.89°51'45"W., ALONG SAID NORTH LINE, A DISTANCE OF 1326.23 FEET TO THE WEST LINE OF SAID LEXINGTON PHASE V, VI, VII; THENCE S.00°04'39"W. ALONG SAID WEST LINE, A DISTANCE OF 336.40 FEET TO THE INTERSECTION WITH THE NORTH LINE OF LEXINGTON, A SUBDIVISION AS PER PLAT THEREOF RECORDED IN PLAT BOOK 42 PAGE 155 OF SAID PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA; THENCE S.89°10'58"W. ALONG SAID NORTH LINE, A DISTANCE OF 690.28 FEET; THENCE CONTINUE ALONG SAID NORTH LINE AND ITS WESTERLY EXTENSION S.89°14'48"W., A DISTANCE OF 825.50 TO THE INTERSECTION WITH THE EAST LINE OF HARRISON RANCH PHASE IIB, A SUBDIVISION AS PER PLAT THEREOF RECORDED IN PLAT BOOK 51, PAGE 123 OF THE PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA; THENCE N.00°28'27"E., ALONG SAID EAST LINE, A DISTANCE OF 1560.31 FEET TO THE NORTHEAST CORNER OF SAID HARRISON RANCH, PHASE IIB; THENCE N.80°08'23"E., A DISTANCE OF 520.35 FEET; THENCE N.00°12'06"W., A DISTANCE OF 729.84 FEET; THENCE N.88°02'41"E., A DISTANCE OF 657.08 FEET; THENCE S.00°18'32"E., A DISTANCE OF 644.48 FEET; THENCE N.88°57'41"E., A DISTANCE OF 335.45 FEET TO THE POINT OF BEGINNING.

CONTAINING 114.81 ACRES, MORE OR LESS.

SUBJECT TO PERTINENT EASEMENTS, RIGHTS OF WAY AND RESTRICTIONS OF RECORD, IF ANY.

CORRECTIVE DOCUMENT



Manatee County

Clerk of the Circuit Court and Comptroller

R.B. "Chips" Shore

P.O. Box 25400 • Bradenton, Florida 34206 • (941) 749-1800 • FAX (941) 741-4082 • www.manateeclerk.com

January 9, 2009

Liz Cloud, Chief
Bureau of Administrative Code
R.A. Gray Building, Room 101
500 S. Bronough Street
Tallahassee, Florida 32399-0250

Dear Ms. Cloud:

Enclosed are two certified copies of corrective documents **PDR-04-18-(Z)(P)**, **PDR-06-38(Z)(P)**, and **Ordinance 08-13** adopted by the Board of County Commissioners, Manatee County, Florida, in open session on January 8, 2009.

Please stamp both copies with the date filed by the Office of the Secretary of State, retain one copy for your file and return one copy to my office.

Sincerely,

A handwritten signature in black ink that reads "Vicki Jarratt".

R. B. Shore
By: Vicki Jarratt


RBS/vpj/
Enclosures (2)
cc: Board Records

**MANATEE COUNTY GOVERNMENT
PLANNING DEPARTMENT
INTEROFFICE MEMORANDUM**

RECEIVED
DEC 17 2008
BOARD RECORDS

DATE: December 17, 2008

TO: Susan Romine, Board Records
Clerk of the Circuit Court

FROM: Robert H. Pederson, Community Planning Administrator
Planning Department 

SUBJECT: PDR-04-18(Z)(P) – B & B Suncoast Land Development / Willow Bend

Attached is a corrective document for PDR-04-18(Z)(P) – B & B Suncoast Land Development/Willow Bend, approved by the Board of County Commissioners on December 4, 2008. Please arrange to have this placed on a future Board of County Commissioners agenda for approval.

The following finding for Specific Approval was omitted in the Ordinance and needs to be added:

E. Notwithstanding the failure of this plan to comply with the requirements of LDC Section 712.2.8, the Board finds that the public purpose and intent of the LDC regulations are satisfied to an equivalent degree. A shell or similar surface road will be constructed to the north connecting to Erie Road to serve as both a second means of access and a construction entrance with stipulations which address stormwater retention, construction, and maintenance of this temporary road along with a maximum time limit of seven (7) years from the date of first construction drawing approval for Willow Bend, for paving.

Under section 3 Special and Specific Approvals, the Ordinance stated Specific Approval was to be denied. This should have stated approved. The replacement section is as follows:

Section 3. SPECIAL AND SPECIFIC APPROVALS. Special Approval is hereby granted for a project: 1) exceeding gross density of 1 dwelling unit per acre in the UF-3 Future Land Use Category, and 2) adjacent to a Perennial Stream. 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. Specific Approval is hereby approved for an alternative to Section 712.2.8 of the Land Development Code.

Thank you for your assistance.

RHP/ph
Attachment

cc: Carol B. Clarke, Director
Case File