

FILED FOR RECORD
R. B. SHORE

MANATEE COUNTY ZONING ORDINANCE
PDR-05-53(P) – ALAN AMTMAN/RAVEN CREST 2006 OCT 19 PM 3: 23

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, REGARDING LAND DEVELOPMENT APPROVING A PRELIMINARY SITE PLAN FOR 31 LOTS FOR SINGLE-FAMILY DETACHED RESIDENCES ON APPROXIMATELY 18.00 ACRES GENERALLY LOCATED 2 MILES NORTH OF S.R. 64, ON THE SOUTH SIDE OF UPPER MANATEE RIVER ROAD, APPROXIMATELY 1/2 MILE EAST OF THE CURVE AT 11708, 11710, AND 11718 UPPER MANATEE RIVER ROAD, BRADENTON; SUBJECT TO STIPULATIONS AS CONDITIONS OF APPROVAL; SETTING FORTH FINDINGS; GRANTING SPECIAL APPROVAL FOR A PROJECT: 1) IN THE COASTAL PLANNING AREA; 2) COASTAL EVACUATION AREA; 3) PARTIALLY IN THE COASTAL HIGH HAZARD OVERLAY DISTRICT, AND 4) EXCEEDING A GROSS DENSITY OF ONE DWELLING UNIT PER ACRE IN THE UF-3 FUTURE LAND USE CATEGORY; ADOPTING THE FINDINGS FOR SPECIFIC APPROVAL; AND GRANTING SPECIFIC APPROVAL FOR AN ALTERNATIVE TO SECTION 907.9.4.2; PROVIDING A LEGAL DESCRIPTION; PROVIDING FOR SEVERABILITY, AND PROVIDING FOR AN EFFECTIVE DATE.

CLERK OF THE CIRCUIT COURT
MANATEE COUNTY, FLORIDA

DEPARTMENT OF STATE
TALLAHASSEE, FLORIDA

2006 OCT 16 AM 10: 39

FILED

WHEREAS, Alan J. Amtman (the "Applicant") has filed an application for a Preliminary Site Plan for approximately 18.00 acres described in Exhibit "A", attached hereto, (the "Property") for 31 lots for single-family detached residences; and

WHEREAS, the Applicant has also requested Special Approval for a project: 1) in the Coastal Planning Area; 2) Coastal Evacuation Area; 3) partially in the Coastal High Hazard Overlay District, and 4) exceeding a gross density of one dwelling unit per acre in the UF-3 Future Land Use Category; and

WHEREAS, the Applicant has also requested Specific Approval for an alternative to Section 907.9.4.2 of the Land Development Code; and

WHEREAS, Planning Department staff recommended approval of the Preliminary Site Plan, Special Approval, and Specific Approval applications, 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 August 10, 2006 to consider the Preliminary Site Plan application, received the staff's 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 Preliminary Site Plan, Special Approval, 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, recommended approval of the application, subject to the stipulations contained in the staff report; and

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 as it relates to the real property described in Exhibit "A" of this Ordinance.
- B. The Board of County Commissioners held duly noticed public hearings on September 7, 2006, September 26, 2006, and October 2, 2006 regarding the proposed Preliminary Site Plan described herein in accordance with the requirements of Manatee County Ordinance No. 90-01, (the Manatee County Land Development Code), and has further considered the information received at the public hearing.
- C. Notwithstanding the failure of this plan to comply with the requirements of LDC Section 907.9.4.2, the Board finds that the public purpose of the LDC regulations is satisfied to an equivalent degree by the proposed design because of site design constraints.
- D. The proposed Preliminary Site Plan regarding the property described in Exhibit "A" herein is found to be consistent with the requirements of Manatee County Ordinance No. 89-01, the 2020 Manatee County Comprehensive Plan.

Section 2. PRELIMINARY SITE PLAN. The Preliminary Site Plan is hereby approved for 31 lots for single-family detached residences subject to the stipulations below. The Board hereby GRANTS Special Approval for project: 1) in the Coastal Planning Areas; 2) Coastal Evacuation Area; 3) partially in the Coastal High Hazard Overlay District, and 4) exceeding a gross density of one dwelling unit per are in the UF-3 Future Land Use Category subject to the stipulations below. The Board hereby grants Specific Approval for an alternative to Section 907.9.4.2 of the Land Development Code, with the following stipulations:

STIPULATIONS

- 1. Trees to be preserved within the floodplain compensation area in the southeast corner of the site shall be protected during construction in accordance with the "floodplain compensation area tree preservation detail". This detail shall be shown on the Final Site Plan.
- 2. The lowest quality water possible shall be used for irrigation. In ground irrigation using Manatee County public potable water supply shall be prohibited throughout the project, including its use on individual lots.
- 3. There shall be no burning of trees or branches for land clearing.

4. Any fill within the 25-year or 100-year floodplains of the Gates Creek shall be compensated by the creation of an equal or greater storage volume above seasonal high water table. 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).
5. There shall be a full 25-year attenuation on all stormwater ponds within the development.
6. The existing 25-year flood elevation along the Gates Creek shall be utilized as tailwater condition.
7. Existing storage volume in existing wetlands and drainage ditches shall be compensated with equal or greater volume in the proposed stormwater retention pond.
8. Routing and modeling of the existing conditions shall be provided with the Drainage Model and Construction Plan for all natural drainage systems within and surrounding this project taking into consideration all wetland storage and ground depressions.
9. 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 runoff.
10. All roads within the 100-year floodplain must be above the flood elevation set by the FEMA Flood Zone maps.
11. Any significant historical or archaeological resources 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 (Offenses Concerning Dead Bodies and Graves) shall be followed.
12. The Notice to Buyers shall be included in the Declaration of Covenants and Restrictions, that this project is in Category 1 or level A Coastal Evacuation area, and in a separate addendum to the sales contract, and the Final Site Plan shall include language to inform prospective homeowners of the location of the inter-neighborhood roadway and pedestrian tie to the east.
13. The inter-neighborhood tie shall extend to the east property line. Bollards or reflector signs may be placed at the property line to prohibit vehicular traffic until the tie is connected to a road on the site to the east.
14. The recreational facility shall include a fence, commercial grade tot lot, play area for open use, shade trees, picnic tables, and benches. The details, equipment, and layout shall be shown on the Final Site Plan.

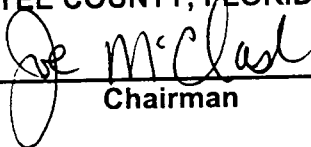
15. A six foot high solid decorative fence or wall shall be provided along the northern property line, adjacent to Upper Manatee River Road. All required landscaping shall be placed on the outside or roadway side of the fence.
16. A non-ingress egress easement shall be recorded and shown on the Final Plat along Upper Manatee River Road, except for the access point.
17. The applicant shall construct a five-foot wide sidewalk along the south side of Upper Manatee River Road, extending east to the nearest sidewalk connection at Greyhawk Boulevard if right-of-way is available to do so.
18. Prior to Final Plat approval, one canopy tree shall be planted within twenty-five feet of the right-of-way of the internal street for every 50 linear feet, or substantial fraction thereof.
19. There shall be a turnaround placed at the 800' foot or midpoint of the project roadway as measured from Upper Manatee River Road.
20. The developer shall provide an easement to Manatee County to accept stormwater from the future Upper Manatee River Road widening and right of way to accommodate roadway expansion along with the right of access to modify the stormwater systems create additional treatment and attenuation compacity at the expense of the County.
21. In lieu of the required project access improvements the County may enter into an agreement with the applicant for construction of the expansion of the roadway subject to reimbursement by the County.
22. Prior to completion of SR 64 between Lena Road and Lakewood Ranch Boulevard only two Building Permits for model homes may is issued. The Certificate of Level of Service for this project shall contain this limitation. Other Building Permits shall only be issued after completion of the SR 64 project.

Section 3. SEVERABILITY. If any section, sentence, clause, or other provision of this Ordinance shall be held to be invalid or unconstitutional by a court of competent jurisdiction, such section, sentence, clause, or other provision shall be deemed severable, and such invalidity or unconstitutionality shall not be construed as to render invalid or unconstitutional the remaining sections, sentences, clauses, or provisions of this Ordinance.

Section 4. 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 2nd day of October, 2006.

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

BY: 
Chairman

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



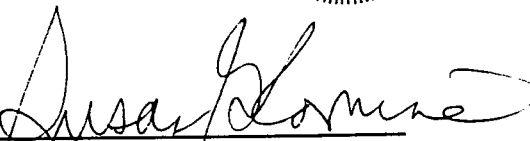
BY: 
Deputy Clerk

EXHIBIT "A"
LEGAL DESCRIPTION OF THE PROPERTY

PARCEL A:

A 10 ACRE TRACT OF LAND LYING IN SECTION 20, TOWNSHIP 34 SOUTH, RANGE 19 EAST, MANATEE COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF THE NORTHEAST ¼ OF SECTION 20, TOWNSHIP 34 SOUTH, RANGE 19 EAST, MANATEE COUNTY, FLORIDA; THENCE S 00 13' 15" W, ALONG THE WEST LINE OF SAID NORTHEAST ¼ OF SECTION 20, A DISTANCE OF 40.00 FEET TO THE SOUTH RIGHT OF WAY LINE OF UPPER MANATEE RIVER ROAD FOR A POINT OF BEGINNING; THENCE CONTINUE S 00 13' 15" W, ALONG SAID WEST LINE OF THE NORTHEAST ¼ OF A DISTANCE OF 1320.00 FEET; THENCE S 89 51' 43" E, PARALLEL TO AND 1360.00 FEET SOUTHERLY OF THE NORTH LINE OF SAID NORTHEAST ¼ OF SECTION 20, A DISTANCE OF 330.00 FEET; THENCE N 00 13' 15", PARALLEL TO AND 330.00 FEET EASTERLY OF SAID WEST LINE OF NORTHEAST ¼ OF SECTION 20 A DISTANCE OF 1320.00 FEET TO THE INTERSECTION WITH SAID SOUTH RIGHT OF WAY OF UPPER MANATEE RIVER ROAD, A DISTANCE OF 330.00 FEET TO THE POINT OF BEGINNING, BEING AND LYING IN SECTION 20, TOWNSHIP 34 SOUTH, RANGE 19 EAST, MANATEE COUNTY, FLORIDA.

CONTAINING 10.00 ACRES

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

TOGETHER WITH:

PARCEL B:

A 8 ACRE TRACT OF LAND LYING IN SECTION 20, TOWNSHIP 34 SOUTH, RANGE 19 EAST, MANATEE COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF THE NORTHEAST ¼ OF SAID SECTION 20, TOWNSHIP 34 SOUTH, RANGE 19 EAST, THENCE S 00 13' 15" W, ALONG THE WEST LINE OF SAID NORTHEAST ¼ OF SECTION 20, A DISTANCE OF 40.00 FEET TO THE INTERSECTION WITH THE SOUTH RIGHT OF WAY LINE OF UPPER MANATEE RIVER ROAD; THENCE S 89 51' 43" E, ALONG THE SAID SOUTH RIGHT OF WAY LINE, A DISTANCE OF 264.00 FEET; THENCE S 00 13' 15" W, PARALLEL TO AND 594.00 EASTERLY OF THE WEST LINE OF SAID NORTHWEST ¼ OF SECTION 20, A DISTANCE OF 1320.00 FEET; THENCE N 89 51' 43" W, PARALLEL AND 1360.00 FEET SOUTHERLY

OF THE NORTH LINE OF SAID NORTHEAST ¼ OF SECTION 20, A DISTANCE OF 264.00 FEET; THENCE N 00 13' 15" E, 1320.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 8 ACRES

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

PARCEL A & B TOTAL OF 18 ACRES ±



STATE OF FLORIDA, COUNTY OF MANATEE
I hereby 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 10th day of

October, 2006

R.B. SHORE
Clerk of Circuit Court

By: Maggie Hamilton D.C.



STATE OF FLORIDA
DEPARTMENT OF STATE
STATE LIBRARY AND ARCHIVES OF FLORIDA

JEB BUSH
Governor

SUE M. COBB
Secretary of State

October 17, 2006

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

Attention: Maggie Hamilton, Deputy Clerk

Dear Mr. Shore:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your letter dated October 10, 2006 and certified copies of Manatee County Ordinance Nos. PDR-05-35(Z)(P) and PDR-05-53(P), which were filed in this office on October 16, 2006.

As requested, the date stamped copies are being returned for your records.

Sincerely,

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

Liz Cloud
Program Administrator

LC/bpn
Enclosures

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://dils.dos.state.fl.us>

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