

FILED FOR RECORD
R. B. SHORE

2010 APR 12 AM 8:14
PDR-06-14(P) – **MANATEE COUNTY ZONING ORDINANCE**
STANK LLC / GREENFIELD / BUEREAU / ELLENTON PALMS
DTS #20060098

CLERK OF THE CIRCUIT COURT
MANATEE CO, FLORIDA

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, REGARDING LAND DEVELOPMENT APPROVING A PRELIMINARY SITE PLAN ON 41 ± ACRES LOCATED APPROXIMATELY 2,800 FEET EAST OF ELLENTON-GILLETTE ROAD AND APPROXIMATELY 1,370 FEET WEST OF I-75 ON THE SOUTH SIDE OF 29TH STREET EAST, ELLENTON, FOR 165 RESIDENTIAL UNITS, CONSISTING OF 73 LOTS FOR SINGLE-FAMILY DETACHED RESIDENCES ON INDIVIDUAL LOTS, 44 SINGLE-FAMILY DETACHED RESIDENCES IN GROUPS ON ONE PARCEL, AND 48 MULTI-FAMILY RESIDENCES IN ONE BUILDING WITH AT LEAST 25% OF THE UNITS DESIGNATED AS AFFORDABLE HOUSING; SUBJECT TO STIPULATIONS AS CONDITIONS OF APPROVAL; SETTING FORTH FINDINGS; PROVIDING A LEGAL DESCRIPTION; PROVIDING FOR SEVERABILITY, AND PROVIDING AN EFFECTIVE DATE.

FILED

2010 APR -5 AM 10:17

WHEREAS, Stank LLC/Greenfield/Buereau (the "Applicant") filed an application for a Preliminary Site Plan for approximately 41 acres described in Exhibit "A", attached hereto, (the "Property") for 165 residential units consisting of 73 lots for single-family detached residences on individual lots, 44 single-family detached residences in groups on one parcel, and 48 multi-family residences in one building with at least 25% of the units designated as affordable housing; and

WHEREAS, the applicant filed a request for Special Approval for a project: 1) exceeding a gross density of 2 dwelling units per acre in the RES-3 Future Land Use Category; 2) exceeding a net density of 3 dwelling units per acre in the RES-3 Future Land Use Category; and 3) using a density bonus for affordable housing; and

WHEREAS, the applicant filed a request for Specific Approval for an alternative to LDC Section 710.1.6 (parking ratios); and

WHEREAS, Planning staff recommended approval of the Preliminary Site Plan, Specific Approval, and Special 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 March 11, 2010 to consider the Preliminary Site Plan, Special Approval and Specific Approval applications, received the staff recommendation, and considered the criteria for approval in the Manatee County Comprehensive Plan and the Land Development Code; and

WHEREAS, the Manatee County Planning Commission, as the County's Local Planning Agency, found the applications consistent with the Manatee County Comprehensive Plan and to satisfy the criteria for approval in the Manatee County Land Development Code, and recommended approval of the applications, subject to the stipulations contained in the staff report.

NOW, THEREFORE BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA:

Section 1. FINDINGS OF FACT. The recitals set forth above are true and correct and are hereby adopted as findings by the Board of County Commissioners.

The Board of County Commissioners, after considering the testimony, evidence, documentation, 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, after due public notice, held a duly noticed public hearing on March 30, 2010 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. 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 and to satisfy the criteria for approval in the Land Development Code.

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 the Preliminary Site Plan to meet the requirements of Section 710.1.6 of the LDC, the Board hereby finds in accordance with Section 603.3.2 of the LDC that the public purposes of these regulations are satisfied to an equivalent or greater degree by the Preliminary Site Plan as proposed by the applicant because sufficient parking will be provided to meet the needs of the residents and visitors.

Section 2. PRELIMINARY SITE PLAN. The Preliminary Site Plan is hereby approved for 165 residential units consisting of 73 lots for single-family detached residences on individual lots, 44 single-family detached residences in groups on one parcel, and 48 multi-family residences in one building with at least 25% of the units designated as affordable housing upon the Property subject to the following Stipulations:

STIPULATIONS

A. STORMWATER CONDITIONS:

1. 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.
2. Existing storage volume in any existing drainage ditches shall be compensated with equal or greater volume in the proposed stormwater retention ponds.
3. 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 ground depressions.
4. A Drainage Easement shall be dedicated to Manatee County and be shown on the Final Site Plan and Final Plats along all drainage conveyance ditches within the project boundaries. In addition, a twenty (20) foot Drainage-Maintenance Access Easement shall be provided along all drainage conveyance ditches. Drainage-Maintenance Access Easements shall be on clear and level ground, free of obstructions including landscaping. Manatee County is only responsible for maintaining the free flow of drainage through these systems.

B. ENVIRONMENTAL CONDITIONS:

1. A Water Well Construction Permit must be obtained from the EMD prior to construction of the proposed well(s).
2. The developer shall provide an updated study, consistent with Policy 3.3.2.3 of the Comprehensive Plan, for threatened and endangered plant and animal species prior to Final Site Plan approval. A Management Plan, approved by the appropriate State or federal agency, shall be provided to the Planning Department for any listed species found on-site, prior to Final Site Plan approval.
3. An ERP approved by SWFWMD shall be provided to the Planning Department for review prior to Final Site Plan approval.

C. SITE DESIGN CONDITIONS:

1. Garage doors shall have a minimum distance of 25 feet from sidewalks so that parked vehicles will not block sidewalks and will remain a safe distance from people using the sidewalks.

Section 3. SPECIAL AND SPECIFIC APPROVALS. Special Approval is hereby granted for a project: 1) exceeding a gross density of 2 dwelling units per acre in the RES-3 Future Land Use Category; 2) exceeding a net density of 3 dwelling units per acre in the RES-3 Future Land Use Category; and 3) using a density bonus for affordable housing. This 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 granted for an alternative to LDC Section 710.1.6 (parking ratios) of the Land Development Code. This Specific Approval shall continue in effect and shall expire concurrent with the Preliminary Site plan for the project approved pursuant to Section 2 hereof.

Section 4. 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, 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 5. CODIFICATION. Pursuant to § 125.68(1), Florida Statutes, the ordinance is not required to be codified. Therefore, the Clerk shall not transmit the ordinance for codification.

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 30th day of March, 2010.

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

BY: 
Carol Whitmore, First Vice-Chairman

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

BY: 
Deputy Clerk



EXHIBIT "A"

LEGAL DESCRIPTION

DESCRIPTION:

FROM THE EAST QUARTER CORNER OF SECTION 8, TOWNSHIP 34 SOUTH, RANGE 18 EAST, RUN N19°58'59"E, A DISTANCE OF 11.70 FEET TO THE CENTERLINE INTERSECTION OF TWO DITCHES MENTIONED IN OFFICIAL RECORDS BOOK 636, PAGE 790, PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA; THENCE N89°22'22"W, ALONG SAID CENTERLINE, A DISTANCE OF 3.94 FEET FOR A POINT OF BEGINNING; THENCE CONTINUE N89°22'22"W, ALONG SAID CENTERLINE, A DISTANCE OF 1300.50 FEET TO THE INTERSECTION WITH A LINE PARALLEL TO AND PERPENDICULARLY DISTANT 20 FEET EAST OF THE WEST LINE OF THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4 OF SAID SECTION 8; THENCE N00°49'31"E, ALONG SAID LINE, A DISTANCE OF 1353.39 FEET TO THE INTERSECTION WITH THE SOUTH RIGHT-OF-WAY LINE OF "29TH STREET EAST" (FORMER RAILROAD RIGHT-OF-WAY), AS DESCRIBED IN OFFICIAL RECORDS BOOK 801, PAGE 571, SAID PUBLIC RECORDS; THENCE S89°14'35"e, ALONG SAID SOUTH RIGHT-OF-WAY LINE, A DISTANCE OF 1287.39 FEET TO THE INTERSECTION WITH THE EAST LINE OF SAID SECTION 8; THENCE S00°16'11" W, ALONG SAID EAST LINE, A DISTANCE OF 1350.49 FEET TO THE POINT OF BEGINNING, BEING AND LYING IN SECTION 8, TOWNSHIP 34 SOUTH, RANGE 18 EAST, MANATEE COUNTY, FLORIDA.

TOGETHER WITH A NON-EXCLUSIVE EASEMENT FOR INGRESS AND EGRESS OVER THE WESTERNMOST 20 FEET OF THE SE 1/4 OF THE NE 1/4 OF SECTION 8, TOWNSHIP 34, SOUTH, RANGE 18 EAST, MANATEE COUNTY, FLORIDA, SET FORTH IN BOUNDARY AGREEMENT AND QUIT CLAIM DEED RECORDED IN OFFICIAL RECORD BOOK 636, PAGE 790, SAID PUBLIC RECORDS.

CONTAINING 40.16 ACRES, MORE OR LESS.



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 10th day of

April, 2010

R.B. SHORE
Clerk of Circuit Court

By: [Signature] D.C.

FILED FOR RECORD
R. B. SHORE



2010 APR 12 AM 8:49

CLERK OF THE CIRCUIT COURT
MANATEE CO. FLORIDA

FLORIDA DEPARTMENT OF STATE

CHARLIE CRIST
Governor

STATE LIBRARY AND ARCHIVES OF FLORIDA

KURT S. BROWNING
Secretary of State

April 6, 2010

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

Attention: Ms. Quantana Acevedo, Deputy Clerk

Dear Mr. Shore:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your letters dated April 1, 2010 and certified copies of Manatee County Ordinance Nos. Z-08-07, Z-08-08, PDR-06-14 (P), 10-25 and 10-21, which were filed in this office on April 5, 2010.

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/srd
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
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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
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RECORDS MANAGEMENT SERVICES
850.245.6750 • FAX: 850.245.6795

ADMINISTRATIVE CODE AND WEEKLY
850.245.6270 • FAX: 850.245.6282