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R. B. SHORE

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MANATEE COUNTY
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MANATEE COUNTY ORDINANCE
PDR-02-28(P)(R) - BOUGAINVILLE PLACE
(fka: Prime Villas, Prime Town Homes, Hyde Park, and Nottingham Heights)

A ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, AMENDING ORDINANCE NO. PDR-02-28(Z)(P) PERTAINING TO THE PROPERTY LOCATED ON THE EAST SIDE OF 60TH AVENUE EAST, NORTH OF US 301 N AND EAST OF I-75, AT 2603 60TH AVENUE EAST IN ELLENTON IN THE PDR (PLANNED DEVELOPMENT RESIDENTIAL) ZONING DISTRICT; APPROVING REVISED PRELIMINARY SITE PLAN NO. PDR-02-28(P)(R) TO BE SUBSTITUTED FOR PRELIMINARY SITE PLAN PDR-02-28(Z)(P) WHICH WAS APPROVED ON AUGUST 19, 2003, TO: APPROVE 2-STORY HOMES RATHER THAN 1-STORY HOMES; REDUCE THE NUMBER OF UNITS FROM 170 TO 160; REDUCE THE GROSS DENSITY FROM 4.4 TO 4.1 DWELLING UNITS PER ACRE; CHANGE THE LOCATION OF RECREATION AREAS; CHANGE THE ARRANGEMENT OF HOMES FACING 60TH AVENUE EAST AND 29TH STREET EAST; MOVE THE ACCESS FROM 29TH STREET EAST SLIGHTLY TO THE WEST; DELETE STIPULATION C.6 REQUIRING PUBLIC STREETS TO ALLOW PRIVATE STREETS; REDUCE THE FRONT YARD SETBACK FROM 25 FEET TO 20 FEET; SPECIFY THE AMOUNT OF OPEN SPACE ACTUALLY PROVIDED; PROVIDING A LEGAL DESCRIPTION; AND PROVIDING FOR AN EFFECTIVE DATE.

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

WHEREAS, Gibraltar-Nottingham Heights, LLC, has filed an application to revise a Preliminary Site Plan previously approved on August 19, 2003 (the "August 2003 Preliminary Site Plan") pertaining to property located on the east side of 60th Avenue East, north of US 301 N and east of I-75, at 2603 60th Avenue East in Ellenton in the PDR (PLANNED DEVELOPMENT RESIDENTIAL) zoning district, said property being more specifically described in Exhibit "A", attached hereto; and,

WHEREAS, the revised Preliminary Site Plan allows for: 2-story homes rather than 1-story homes; a reduction in the number of units from 170 to 160; a reduction of the gross density from 4.4 to 4.1 dwelling units per acre; a change in the location of recreation areas; a change in the arrangement of homes facing 60th Avenue East and 29th Street East; relocation of the access from 29th Street East slightly to the west; the deletion of stipulation C.6 requiring public streets to allow private streets; a reduction in the front yard setback from 25 feet to 20 feet; and specifies the amount of open space actually provided; and,

WHEREAS, the Planning Staff has recommended the deletion of Stipulation C.6 contained in the August 2003 Preliminary Site Plan approval; and,

WHEREAS, the Board of County Commissioners of Manatee County held a public hearing on November 3, 2005, after due notice, received and considered the recommendations of the Planning Department, having considered the criteria set forth in the Manatee County Land Development Code, approved the revised preliminary site plan, subject to the stipulations set forth herein.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY THAT:

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

Section 2. Amendment of August 2003 Preliminary Site Plan Approval:

Ordinance No. PDR-02-28(P)(R) is hereby amended to substitute Preliminary Site Plan No. PDR-02-28(Z)(P) for the previously approved Preliminary Site Plan so as to allow for 1) 2-story homes rather than 1 story homes; 2) Reduce the number of units from 170 to 160; 3) Reduce the gross density from 4.4 to 4.1 dwelling units per acre; 4) Change the location of recreation areas; 5) Change the arrangement of homes facing 60th Avenue East and 29th Street East; 6) Move the access from 29th Street East slightly to the west; 7) Delete stipulation C.6 requiring public streets to allow private streets; 8) Reduce the front yard setback from 25 feet to 20 feet; and 9) Specify the amount of open space actually provided.

Ordinance No. PDR-02-28(Z)(P) is hereby amended to delete in their entirety Stipulations A. 1-8, B. 1-7, C. 1-7, and D. 1-3 and substitute Stipulations A. 1-11, B. 1-11, C. 1-6, and D. 1-3 to read as follows:

A. DESIGN AND LAND USE CONDITIONS:

1. No lots shall be platted through any greenbelt, landscape buffer, retention pond, wetland (with the exception of any Planning Department approved impacts), or wetland buffers.
2. If a fence or wall is utilized within any of the landscape buffers, all required landscaping shall be planted on the exterior side of the fence.
3. No detention or retention ponds shall be constructed within the landscape buffers or greenbelts.
4. The north landscape buffer, along 29th Street East, shall be a minimum of 25 feet wide. The buffer shall be planted with two rows of trees (one row of canopy trees with a 3" caliper, 12' in height, with a 5' spread and one row of understory trees with a 2" caliper, 6' in height, with a 3' spread) off-set 25' on-center with a hedge and a fence or wall. Existing vegetation fulfilling the requirements of this stipulation may be used to satisfy this requirement.
5. Existing native vegetation, excluding nuisance exotics, shall remain in the landscape buffers. If the removal of nuisance exotic vegetation reduces the density or opacity of any landscape buffer, the applicant shall be required to plant additional native vegetation which will achieve 80% opacity to a height of six (6) feet, as certified by a Landscape Architect, within two years from the date of issuance of the first Certificate of Occupancy.
6. The design and shielding of any on-site lighting for the common areas shall comply with Section 709.2.2. In addition, pole and building mounted lights shall be limited to 20' in height and directed to the interior of the development using horizontal cut-off fixtures. Use of decorative street lights or house lights may be permitted. A lighting plan, showing the detail of the proposed lighting shall be submitted for review and approval by the Planning Department with the Final Site Plan.

7. The tot lot shall include commercial grade equipment and a minimum of 4 (four) canopy trees. This shall be depicted on the Final Site Plan.
8. The design of the two-story, single-family attached units shall be in substantial conformance with the elevations entered into the record for this case.
9. The units along 29th Street East shall be limited to 1 story with no more than 4 units per building.
10. The front-yard setback shall be 25 feet.
11. The developer is put on notice that the County and School Board are required to establish school concurrency. Until such time as the details of that program are adopted, this approval does not guarantee capacity under the terms of the future program, to the extent school concurrency is legally applicable to the project.

B. ENVIRONMENTAL CONDITIONS:

1. The developer shall provide signs adjacent to post-development wetland buffers/conservation easements indicating that the area is a "Conservation Area", as required pursuant to Section 719.11.1.3.3 of the LDC. The type and location of such signs shall be shown and approved by the Planning Department with the Final Site Plan. Signs shall be installed prior to Final Plat approval.
2. Prior to Final Plat approval, a Conservation Easement for the areas defined as post-development jurisdictional wetlands/wetland buffers shall be dedicated to the County in accordance with Section 719.11.1.3 of the LDC.
3. An Exotic Plant Species Management Plan shall be submitted for review and approval prior to Final Site Plan approval. The management plan shall provide for the continued, phased, removal of nuisance, exotic plant species that become reestablished within common areas of a residential development, for the life of the project. Removal of all exotic nuisance plant species from upland portions of the site shall be completed prior to the Final Plat approval, in accordance with LDC Section 715.4.
4. Construction is not authorized with this approval. Prior to commencement of construction or land clearing, an Erosion and Sediment Control Plan (ESCP) shall be submitted to the Planning Department for review and approval pursuant to LDC Section 508.3.4.7.j. Final Site Plans, Construction Plans, ERP and NPDES permit approvals must be obtained prior to submittal of the ESCP. Construction or land clearing is not authorized until an ESCP has been approved by the Planning Department and all required meetings have been completed.
5. A Water Well Construction Permit shall be obtained from the EMD prior to construction of any proposed well(s).
6. An ERP approved by SWFWMD shall be provided to the NRD for review prior to Final Site Plan approval.

7. Prior to development-related land clearing activities, all applicable County approvals shall be obtained through the Planning Department. If burning of trees or branches is required for land clearing, a burn permit shall be first obtained from the Environmental Management Department. No burn permits shall be issued until Final Site Plans/Construction Plans are approved. Any burning permits for this site shall include a protocol for advanced notice to surrounding residents.
8. A check in the amount of \$16,750.00 and associated agreement documents were previously submitted for Mitigation Security by "Landview, LLC." Prior to Final Site Plan approval, the Agreement for Warranting the Required Wetland Mitigation System shall be updated to accurately reflect "Gibraltar- Nottingham Heights, LLC" as the current owner.
9. A Wetland Buffer Restoration Plan shall be submitted to the Planning Department for review with the Final Site Plan in accordance with Section 719.11.2.1. of the LDC. The plan shall include both supplemental plantings and ongoing removal of exotic, nuisance vegetation. Wetland buffer restoration shall be completed prior to Final Plat approval.
10. Trees to be preserved shall have barricades placed at their driplines prior to commencement of construction. No improvements fill, grade changes, or compaction of soil due to heavy machinery will be permitted within the dripline of trees to be preserved.

C. PUBLIC SAFETY AND TRANSPORTATION CONDITIONS:

1. Prior to Final Site Plan Approval, the applicant shall obtain approval of a Hurricane Evacuation Plan and Disaster Plan from the Director of Public Safety.
2. The Notice to Buyers shall be included in the Declaration of Covenants and Restrictions, and in a separate addendum to the Sales Contract, and in the Final Site Plan, and shall include language informing prospective homeowners in the project of the Hurricane Evacuation Plan approved by the Public Safety Department for this project.
3. The developer shall construct 29th Street East along the Project's northern boundary, including a 5-foot wide sidewalk (on the south side of the road, west of the entrance) to Manatee County Standards, in accordance with the exhibit presented by the applicant at the hearing.
4. The area south of the southern cul-de-sac shall be platted as a common open tract with the Final Plat and shall be deeded to the homeowner's association subsequent to the recording of the Final Plat.
5. Pursuant to Section 722.1.4.4 of the LDC, the developer shall provide a sidewalk on 60th Avenue East. The sidewalk shall be extended to connect with existing sidewalks which are 1,000 feet or less from the outer boundaries of the proposed development. At a minimum, the sidewalk along 60th Avenue East shall extend from the project to 29th Street East. The extension of the sidewalk shall be depicted on the Final Site Plan and Construction Plans.

6. Any property lying within 60 feet of the existing centerline of 60th Avenue East, which has not yet been dedicated to the County for right-of-way, shall be shown as a right-of-way easement on the Final Plat. This area may be utilized as open space, landscaped buffer, or for stormwater facilities.

D. INFRASTRUCTURE CONDITIONS:

1. Prior to Final Site Plan approval, the Engineer of Record/Architect must provide documentation to prove that concurrency has been met relative to fire flow, per Comprehensive Plan Policy 9.6.1.4.
2. The lowest possible quality of water shall be used for irrigation. In-ground irrigation using Manatee County public potable water supply shall be prohibited, including on individual lots.
3. The applicant shall install dry lines for hook-up to future reuse lines for the entire subdivision, for both common area irrigation and single lot irrigation. At such time that reclaimed lines become available, use of stormwater or groundwater for irrigation shall be converted to use of reclaimed water.

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 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 become effective immediately upon filing in the Office of the Secretary of State in Tallahassee, Florida.

PASSED AND DULY ADOPTED, by the Board of County Commissioners of Manatee County, Florida on the 3rd day of November, 2005.

BY: MANATEE COUNTY, FLORIDA
BOARD OF COUNTY
COMMISSIONERS



Chairman



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

BY: 

Deputy Clerk

EXHIBIT "A"

LEGAL DESCRIPTION.

THE NORTHEAST ¼ OF THE SOUTHEAST ¼ OF THE NORTHEAST ¼, THE SOUTH ½ OF THE SOUTHEAST ¼ OF THE NORTHEAST ¼, THE NORTH ½ OF THE NORTH ½ OF THE NORTHEAST ¼ OF THE SOUTHEAST ¼; ALL IN SECTION 9.

LESS THE MAINTAINED RIGHT OF WAY FOR 60TH AVENUE EAST.

ALSO LESS THE RIGHT OF WAY IN O.R. BOOK 1461, PAGE 2988 DESCRIBED AS FOLLOWS: FROM THE NORTHEAST CORNER OF THE SOUTHWEST ¼ OF THE NORTHEAST ¼ OF SECTION 9, TOWNSHIP 34 SOUTH, RANGE 18 EAST, RUN S 00° 20' 31" W, A DISTANCE OF 654.25 FEET TO THE SOUTHWEST CORNER OF THE NORTHWEST ¼ OF THE SOUTHEAST ¼ OF THE NORTHEAST ¼ OF SAID SECTION 9; THENCE RUN N 89° 54' 51" E ALONG THE SOUTH LINE OF SAID NORTHWEST ¼ OF THE SOUTHEAST ¼ OF THE NORTHEAST ¼, A DISTANCE OF 20.00 FEET TO THE EASTERLY MAINTAINED RIGHT OF WAY LINE OF 60TH AVENUE EAST ALSO BEING THE POINT OF BEGINNING; THENCE CONTINUED N 89° 54' 51" E ALONG SAID SOUTH LINE, A DISTANCE OF 5.38 FEET TO THE EASTERLY PROPOSED RIGHT OF WAY OF 60TH AVENUE EAST ALSO BEING A POINT ON THE ARC OF A CURVE TO THE RIGHT WHOSE RADIUS POINT LIES S 84° 46' 39" W, A DISTANCE OF 3427.56 FEET; THENCE SOUTHERLY ALONG THE ARC OF SAID CURVE TO THE RIGHT ALSO BEING SAID PROPOSED EASTERLY RIGHT OF WAY LINE A DISTANCE OF 303.71 FEET THROUGH A CENTRAL ANGLE OF 05° 04' 16" TO THE POINT OF TANGENCY OF SAID CURVE TO THE RIGHT; THENCE S 00° 09' 05" E ALONG SAID PROPOSED EASTERLY RIGHT OF WAY LINE, A DISTANCE OF 678.99 FEET TO THE INTERSECTION WITH THE NORTH LINE OF DEEDED RIGHT OF WAY AS DESCRIBED IN O.R. BOOK 1228, PAGE 2191; THENCE S 89° 20' 24" W ALONG THE NORTH LINE OF SAID DEEDED RIGHT OF WAY, A DISTANCE OF 30.26 FEET TO THE INTERSECTION WITH THE AFOREMENTIONED EASTERLY MAINTAINED RIGHT OF WAY LINE OF 60TH AVENUE EAST; THENCE N 00° 31' 01" E ALONG SAID EASTERLY MAINTAINED RIGHT OF WAY LINE, A DISTANCE OF 982.31 FEET TO THE POINT OF BEGINNING.

ALSO LESS FROM THE NORTHEAST CORNER OF THE SOUTH ½ OF THE NORTHWEST ¼ OF THE SOUTHEAST ¼ RUN N 00° 32' 40" E ALONG THE EAST LINE OF THE RIGHT OF WAY DEEDED BY O.R. BOOK 1228, PAGE 2191, PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA, A DISTANCE OF 329.88 FEET; THENCE N 89° 20' 04" E ALONG THE NORTH LINE OF SAID DEEDED RIGHT OF WAY, A DISTANCE OF 45.01 FEET TO THE EASTERLY PROPOSED RIGHT OF WAY LINE OF 60TH AVENUE EAST ALSO BEING THE POINT OF BEGINNING; THENCE CONTINUING N 89° 20' 04" E, A DISTANCE OF 180.00 FEET; THENCE N 00° 39' 56" W, A DISTANCE OF 100.00 FEET; THENCE S 89° 20' 04" W, A DISTANCE OF 164.10 FEET; THENCE N 00° 09' 05" W, A DISTANCE OF 200.00 FEET; THENCE S 89° 20' 04" W, A DISTANCE OF 15.00 FEET RETURNING TO AFOREMENTIONED PROPOSED EASTERLY RIGHT OF WAY LINE; THENCE S 00° 09' 05" E ALONG SAID PROPOSED EASTERLY RIGHT OF WAY LINE, A DISTANCE OF 300.00 FEET TO THE POINT OF BEGINNING.

LYING AND BEING IN SECTION 9, TOWNSHIP 34 SOUTH, RANGE 18 EAST, MANATEE COUNTY, FLORIDA.

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



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 14th day of November, 2005

R.B. SHORE
Clerk of Circuit Court

By: Diane E. Valles



RECORD
R. B. SHORE

2005 NOV 18 PM 1:48

FLORIDA DEPARTMENT OF STATE
Glenda E. Hood
Secretary of State
DIVISION OF LIBRARY AND INFORMATION SERVICES

CLERK OF CIRCUIT COURT
MANATEE CO FLORIDA

November 16, 2005

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

Attention: Diane E. Vollmer, Deputy Clerk

Dear Mr. Shore:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your letter dated November 14, 2005 and certified copies of Manatee County Ordinance Nos. PDR-04-11(Z)(P), PDR-02-28(P)(R), PDR-04-46(Z)(P) and PDC-04-43(Z)(G), which were filed in this office on November 16, 2005.

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

Sincerely,

Liz Cloud
Program Administrator

LC/mp

Enclosures