

MANATEE COUNTY ZONING ORDINANCE
PDC-01-04(Z)(G)-TRAVIS/BARBARA M. SHAW PROPERTY REZONE

AN ORDINANCE OF THE COUNTY OF MANATEE, FLORIDA, AMENDING THE OFFICIAL ZONING ATLAS OF MANATEE COUNTY, ORDINANCE NO. 90-01 (THE MANATEE COUNTY LAND DEVELOPMENT CODE) RELATING TO ZONING WITHIN THE UNINCORPORATED AREA OF MANATEE COUNTY; PROVIDING FOR THE REZONING OF CERTAIN LAND FROM A-1 (SUBURBAN AGRICULTURAL, 1 DWELLING UNIT PER GROSS ACRE) TO PDC (PLANNED DEVELOPMENT COMMERCIAL); PROVIDING AN EFFECTIVE DATE; AND APPROVAL OF A GENERAL DEVELOPMENT PLAN TO ALLOW 13,636 SQ. FT. OF RETAIL COMMERCIAL (INCLUDING GAS PUMPS) AND 6,000 SQ. FT. OF OFFICE USES), AND GRANTING SPECIAL APPROVAL FOR A PROJECT WITHIN AN ENTRANCEWAY.

FILED FOR RECORD
R.B. SHERIDAN
CLERK OF COUNTY COMMISSIONERS
MANATEE COUNTY, FLORIDA
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BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA:

Section 1. FINDINGS OF FACT. The Board of County Commissioners of said County, after considering the testimony, evidence, documentation, application for amendment of the Official Zoning Atlas, the recommendation and findings of the Planning Commission of said County, as well as all other matters presented to said 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 Official Zoning Atlas Amendment as it relates to the real property described in Section 4 of this Ordinance from A-1 (Suburban Agricultural, 1 dwelling unit per gross acre) to PDC (Planned Development Commercial).

B. The Board of County Commissioners held a public hearing on July 24, 2001 regarding said 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 said public hearing.

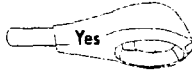
C. The proposed amendment to the Official Zoning Atlas regarding the property described in Section 4 herein is found to be consistent with the requirements of Manatee County Ordinance No. 89-01, the Manatee County Comprehensive Plan.

Section 2. The General Development Plan is hereby APPROVED to allow 13,636 sq. ft. of retail commercial (including gas pumps) and 6,000 sq. ft. of office uses), and granting Special Approval for a project within an entranceway, with the following stipulations:

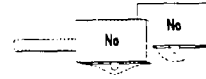
STIPULATIONS

1. All building facades shall exhibit an aesthetically attractive appearance. Design shall be subject to the following criteria and reviewed for compliance by the Planning Department with future Final Site Plan and Building Permit submittals.

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MANATEE COUNTY, FLORIDA

6. One freestanding pole sign shall be allowed along S.R. 64 for the entire site, in compliance with Section 737.5.3.3 outside the visibility triangle. Additional signs shall be limited to ground signs.
7. Unless otherwise approved by the Planning Department, existing native trees, shrubs, and ground covers within the 25' wide buffer along the east and south property lines shall be preserved. However, if a 30' non-exclusive ingress and egress easement (O.R. Book 249, Page 86-87) encroaches in the southern buffer area, then the buffer area may be reduced to the extent of the conflict. Should the extent of the conflict reduce the buffer to less than 15', a 15' landscape buffer shall be maintained outside the easement area. The extent of this ingress-egress easement on the property shall be shown where it encroaches within the site on the Preliminary Site Plan and Final Site Plan and the easement may be cleared as necessary to provide access.
8. A 24' wide paved cross access drive aisle along the east property line shall be shown on the Preliminary Site Plan. Prior to the first Certificate of Occupancy for any portion of this project, a cross access easement acceptable to Manatee County shall be recorded.
9. Access locations on Morgan Johnson Road and S.R. 64, shall require FDOT and Planning Department approval.
10. Five (5) foot wide sidewalks shall be provided along S.R. 64 and Morgan Johnson Road and shall be shown on the Preliminary Site Plan.
11. Retail uses shall be limited to retail sales establishments, eating establishments (including drive-thru), banks (including drive-thru), business service establishments, health services, clinic, offices, dry cleaners, personal service, and repair service establishments.
12. A convenience store with gas pumps shall be limited to one island with two multi-dispenser gas pumps. The gasoline pumps, tank, vent, pump island, and pump island canopy shall be setback 30 feet from any property line. Vacuum areas accessory to the convenience store with gas pumps shall be at least 50' from the east property line. Additionally, criteria set forth in Section 704.66 shall be satisfied prior to Preliminary Site Plan approval.
13. Exhaust and other filtering systems in Food Service Establishments shall adhere to the Best Available Control Technology to eliminate or reduce the emission of smoke, grease, and odor from cooking facilities. This system shall be approved by the Environmental Management Department Air Quality Section with each Final Site Plan containing a Food Service Establishment.
14. There shall be no outdoor speakers associated with this project, other than an intercom system for the purpose of communication between the station attendant and gasoline patrons (including banks and eating establishments with drive-thru windows).
15. Prior to Final Site Plan approval, the design and shielding of on-site lighting shall comply with Section 709.2.2. In addition, pole mounted lights shall be limited to 20' in height and directed to the interior of the development using 

horizontal cut-offs. A photometric plan shall be submitted to the Planning Department along with the Final Site Plan for approval.



16. The landscape buffer along S.R. 64 and Morgan Johnson Road, shall be 20 feet wide and shall be planted with one row of 3" caliper canopy trees (at least 10' to 12' in height), 25' on-center, with a hedge. This buffer shall achieve sixty percent opacity at planting. Existing vegetation may be used to fulfill this requirement. This shall be approved with the Final Site Plan by the Planning Department.
17. Land clearing, tree removal, or grading shall not commence until a Final Site Plan and Construction Plans have been approved for the overall project.
18. Minimum open space requirement for this site shall be 25%.
19. All existing wells shall be delineated on the Final Site Plan, with the well size indicated.
20. A Well Management Plan for the proper rehabilitation and abandonment of all existing wells within the project shall be submitted to EMD for review and approval prior to the First Site Plan approval.
21. There shall be no lighting on the facia of any canopy on this site, including backlit-signs.
22. All lighting underneath any canopy and all pole mounted lights shall be amber.
23. Prior to Final Site Plan approval the applicant shall make any required payment to County's Affordable Housing Trust Fund or provide a clearance letter from Community Services that the homes removed from the site did not qualify as affordable housing.
24. The applicant shall be responsible for any additional on-site or off-site related traffic safety improvements or capacity improvements attributable to project, as determined by the Planning Department, based on the findings of the traffic study report.
25. Nuisance exotic plant species shall be removed from the entire site prior to issuance of a Certificate of Occupancy.

Section 3. 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 Section 4 herein from A-1 (Suburban Agricultural, 1 dwelling unit per gross acre) to PDC (Planned Development Commercial), 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 said Official Zoning Atlas.

Section 4. LEGAL DESCRIPTION.

PARCEL 1

BEGIN 30 FEET EAST OF THE INTERSECTION OF THE CENTERLINE OF EAST AND WEST COAST RAILROAD RIGHT OF WAY WITH CENTERLINE OF OLD ONECO ROAD, AND RUN SOUTHEASTERLY PARALLEL TO SAID CENTERLINE OF OLD ONECO ROAD, 483 FEET; THENCE EAST 175 FEET; THENCE NORTHWESTERLY 411 FEET TO POINT OF CENTERLINE OF EAST AND WEST COAST RAILROAD RIGHT OF WAY 200 FEET EASTERLY FROM POINT OF BEGINNING; THENCE WESTERLY 200 FEET TO POINT OF BEGINNING ALL IN SECTION 27, TOWNSHIP 34 SOUTH, RANGE 18 EAST

PARCEL 2

BEGIN 30 FEET EAST OF THE INTERSECTION OF THE CENTERLINE OF EAST AND WEST COAST RAILROAD RIGHT OF WAY WITH CENTERLINE OF OLD ONECO ROAD (NOW MORGAN JOHNSON ROAD), THENCE RUN SOUTHEASTERLY PARALLEL TO SAID CENTERLINE OF OLD ONECO ROAD (NOW MORGAN JOHNSON ROAD), 483 FEET TO POINT OF BEGINNING; THENCE SOUTH 100 FEET, THENCE EAST 175 FEET, THENCE NORTHWESTERLY 100 FEET TO A POINT 180 FEET MORE OR LESS EASTERLY FROM POINT OF BEGINNING ; THENCE WESTERLY 180 FEET MORE OR LESS TO POINT OF BEGINNING; IN SECTION 27, TOWNSHIP 34 SOUTH, RANGE 18 EAST.

PARCEL 3

ALL THAT PART OF THE ABANDONED RIGHT OF WAY OF THE EAST AND WEST COAST RAILWAY LYING SOUTHERLY OF THE SOUTHERLY RIGHT OF WAY OF STATE ROAD 64 AND LYING EASTERLY OF THE EASTERLY RIGHT OF WAY LINE OF OLD ONECO ROAD (NOW MORGAN JOHNSON ROAD), SAID ROAD BEING 60 FEET WIDE), AND WESTERLY OF A LINE 200 FEET EASTERLY OF AND PARALLEL TO SAID EASTERLY RIGHT OF WAY LINE OF OLD ONECO ROAD. IN SECTION 27, TOWNSHIP 34 SOUTH, RANGE 18 EAST.

LESS ROAD RIGHT OF WAY TO D.O.T., RECORDED IN OFFICIAL RECORDS BOOK 1142, PAGE 3016, PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA.

Section 5. 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 24th day of July, 2001.

BOARD OF COUNTY COMMISSIONERS
OF MANATEE COUNTY, FLORIDA

BY: Quay E. Otter
First Vice Chairman

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

R. B. Shore
Clerk of the Circuit Court



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 25th day of

July 2001

R. B. SHORE
Clerk of Circuit Court

By: Marlene Lopez D.C.

DIVISIONS OF FLORIDA DEPARTMENT OF STATE
Office of the Secretary
Division of Administrative Services
Division of Corporations
Division of Cultural Affairs
Division of Elections
Division of Historical Resources
Division of Library and Information Services
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Historic Tampa/Hillsborough County
Preservation Board
RINGLING MUSEUM OF ART

FLORIDA DEPARTMENT OF STATE
Katherine Harris
Secretary of State
DIVISION OF ELECTIONS

July 31, 2001

FILED FOR RECORD
AUG 6 7 37 AM '01

Honorable R. B. Shore
Clerk of the Circuit Court and Comptroller
Manatee County
Post Office Box 1000
Bradenton, Florida 34206

Attention: Diane E. Vollmer

Dear Mr. Shore:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your letters dated July 26, 2001 and certified copies of Manatee County Ordinance Nos. 01-01, 01-02, 01-04 through 01-07, 01-42, 01-43, 01-48, PDI-01-03(Z), PDC-01-04(Z)(G) and Z-01-09, which were filed in this office on July 30, 2001.

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

Sincerely,

Liz Cloud, Chief
Bureau of Administrative Code

LC/mp

Enclosure