

FILED FOR RECORD  
R. B. SHORE

2007 MAY 14 PM 4:40

**MANATEE COUNTY ZONING ORDINANCE  
PDC-06-07(Z)(P) – CIRCLE K STORES, INC.**

CLERK OF THE CIRCUIT COURT  
MANATEE CO. FLORIDA

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS 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 1.534 ACRES AT THE NORTHWEST CORNER OF 63<sup>RD</sup> AVENUE EAST AND 15<sup>TH</sup> STREET EAST AT 6228 15<sup>TH</sup> STREET EAST, BRADENTON FROM THE NC-S (NEIGHBORHOOD COMMERCIAL - SMALL) ZONING DISTRICT TO THE PDC (PLANNED DEVELOPMENT COMMERCIAL) ZONING DISTRICT; APPROVING A PRELIMINARY SITE PLAN FOR A 7,149 SQUARE FOOT CONVENIENCE STORE WITH GAS PUMPS; SUBJECT TO STIPULATIONS AS CONDITIONS OF APPROVAL; SETTING FORTH FINDINGS; PROVIDING A LEGAL DESCRIPTION; PROVIDING FOR SEVERABILITY, AND PROVIDING AN EFFECTIVE DATE.

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**WHEREAS**, Circle K Stores, Inc. (the "Applicant") has filed a rezone application to rezone approximately 1.534 acres described in Exhibit "A", attached hereto, (the "Property") from the NC-S (Neighborhood Commercial - Small) zoning district to the PDC (Planned Development Commercial) zoning district; and

**WHEREAS**, the Applicant has also filed a Preliminary Site Plan application for a 7,149 square foot convenience store with gas pumps (the "Project") to be located upon the Property; and

**WHEREAS**, Planning staff recommended approval of the rezone and Preliminary Site Plan applications, subject to the stipulations contained in the Planning staff report; and

**WHEREAS**, the Manatee County Planning Commission, after due public notice, held a public hearing on April 12, 2007 to consider the rezone and Preliminary Site Plan applications, received the Planning staff's recommendations 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 and Preliminary Site Plan 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 Planning 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 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, 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 Official Zoning Atlas Amendment as it relates to the real property described in Exhibit "A" of this Ordinance from the NC-S (Neighborhood Commercial - Small) zoning district to the PDC (Planned Development Commercial) zoning district.

B. The Board of County Commissioners held a duly noticed public hearing on May 3, 2007, 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 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 a 7,149 square foot convenience store with gas pumps; subject to the following Stipulations:

**STIPULATIONS**

1. Existing native vegetation shall remain in required landscape buffers and used to meet buffering and screening requirements. Sufficient area around the trees and appropriately designed tree wells shall be required as determined by a registered Landscape Architect or Arborist to reasonably guarantee their survival.
2. At least 3 different species of canopy trees shall be planted in required landscape buffers.
3. The perimeter buffer along the west property line shall consist of a solid 6' solid fence or wall; one canopy tree planted every 30' on center and a continuous hedge row of native species. Details shall be provided with the Final Site Plan. All required landscaping shall be placed on the west side of the fence or wall.
4. Unless otherwise approved by the Planning Department, native or drought tolerant landscaping materials shall be utilized in common areas.
5. The site shall use the lowest quality of water available for irrigation purposes. Use of Manatee County public potable water supply shall be prohibited for in-ground irrigation systems.
6. Existing native vegetation within any required landscape buffer shall be preserved to the greatest extent possible. Overhead or underground power lines, swales, or stormwater facilities shall not be placed within any proposed landscape buffer containing desirable native vegetation.
7. 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 Section 508.3.4.7.j. of the LDC. 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.

8. A Water Well Construction Permit must be obtained from the Planning Department prior to construction of any proposed well(s).
9. Existing wells shall be kept in a watertight manner and be protected during all construction activities.
10. An ERP approved by SWFWMD shall be provided to the Planning Department for review prior to Final Site Plan approval.
11. Underground or above ground pollutant storage tank installation/removal must conform to the requirements of Chapter's 62-761, Florida Administrative Code.
12. If burning of trees or branches is required for land clearing, a burn permit must be first obtained from the Planning Department. No burn permits will be issued until Final Site Plans and Construction Plans are approved.
13. Any fill within the 100-year floodplain of Bowlees Creek shall be compensated by the creation of an equal or greater storage volume above seasonal high water table. 100-year floodplain compensation shall be compensated in sole use compensation areas, not dual use facilities (i.e., stormwater attenuation and floodplain compensation).
14. There shall be a full 25-year attenuation on all stormwater ponds within the development.
15. The existing 25-year flood elevation along Bowlees Creek shall be utilized as tailwater condition.
16. This project shall be required to reduce the calculated pre-development flow rate by up to fifty percent (50%) for all stormwater outfall flow directly or indirectly into Bowlees Creek. Modeling shall be used to determine pre- and post- development flows.
17. The Drainage Model and Construction Plan shall demonstrate that no adverse impacts will be created to surrounding property in respect to drainage routing, grading, and runoff.

**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 Exhibit "A" herein from the NC-S (Neighborhood Commercial – Small) zoning district to the PDC (Planned Development Commercial) zoning district 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. 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 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, 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 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 3<sup>rd</sup> day of May, 2007.

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

BY: \_\_\_\_\_

  
Chairman



ATTEST:

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

BY: \_\_\_\_\_

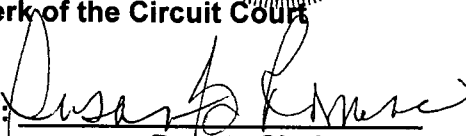
  
Deputy Clerk

EXHIBIT "A"

LEGAL DESCRIPTION

BEG 390.8 FT S (S 00 DEG 11 MIN 00 SEC W), OF THE NE COR OF THE SE 1/4 OF THE NE 1/4 OF THE NE 1/4 OF SEC 24-35-17; TH W (N 89 DEG 55 MIN 00 SEC W), 351.9 FT; TH S (S 00 DEG 11 MIN 00 SEC W), 278 FT; TH E (S 89 DEG 55 MIN 00 SEC E), 351.9 FT; TH N (N 00 DEG 11 MIN 00 SEC E), 278 FT TO THE POB. SAVING AND EXCEPTING THEREFROM 50 FT ON THE E SIDE AND 25 FT ON THE S SIDE FOR ROAD PURPOSES ALSO LESS THE FOLLOWING DESCRIBED LANDS: COM AT THE SE COR OF THE NE 1/4 OF THE NE 1/4 OF SEC 24; TH N 63 DEG 15 MIN 06 SEC W, A DIST OF 55.90 FT TO THE INTERSEC OF THE NLY R/W LN OF SAUNDERS RD, (A.K.A. 63<sup>RD</sup> AVE E) AND THE WLY R/W LN OF U.S. 301 (A.K.A. 15<sup>TH</sup> ST E), SD INTERSEC BEING THE POB; TH N 89 DEG 55 MIN 00 SEC W, ALG THE AFORMENTIONED NLY R/W LN OF SAUNDERS RD, A DIST OF 301.90 FT; TH N 00 DEG 11 MIN 00 SEC E, A DIST OF 17 FT, TN S 89 DEG 55 MIN 00 SEC E, A DIST OF 301.90 FT TO THE AFOREMENTIONED R/W LN OF U.S. 301; TH S 00 DEG 11 MIN 00 SEC W, ALG SD R/W LN, A DIST OF 17 FT TO THE POB, CONTAINING 5132.2 SQ FT M/L, (OR 1412 P 7276), ALSO LESS R/W DESC IN O.R. 1685/1601 AS FOLL: COM AT A 1/2 IN IRON PIPE MARKING THE NE COR OF THE NE 1/4 OF SEC 24-35S-17E; TH N 89 DEG 38 MIN 48 SEC W ALG THE N LN OF THE NE 1/4 OF THE NE 1/4 OF SD SEC 24 FOR 1333.05 FT TO A 1/2 IN IRON ROD MARKING THE NW COR OF SD NE 1/4 OF THE NE 1/4, SD IRON ROD BEARING S 89 DEG 38 MIN 48 SEC E A DIST OF 1333.14 FT FROM THE NW COR OF SD NE 1/4 OF SD SEC 24; TH S 00 DEG 21 MIN 19 SEC W ALG THE E LN OF THE NW 1/4 OF THE NE 1/4 OF SD SEC 24 ACC TO THE PLAT OF THUNDER BAY (PB19/174), FOR 1329.28 FT TO A PK NAIL MARKING THE SE COR OF SD NW 1/4 OF THE NE 1/4, ACC TO SD PLAT OF THUNDER BAY; TH S 00 DEG 21 MIN 44 SEC W FOR 4.42 FT TO A PT OF INTERSEC WITH THE SURVEY BASE LN OF 63<sup>RD</sup> AVE; TH S 89 DEG 28 MIN 11 SEC E FOR 980.91 FT; TH N 00 DEG 31 MIN 49 SEC E FOR 48.56 FT TO A PT OF INTERSEC WITH THE EXISTING NLY R/W LN OF 63<sup>RD</sup> AVE AS REC IN O.R. 1031/1393 AND THE POB; TH N 00 DEG 21 MIN 43 SEC E FOR 15.11 FT; TH S 89 DEG 56 MIN 13 SEC E FOR 55.69 FT; TH S 00 DEG 04 MIN 08 SEC W FOR 5.00 FT; TH S 89 DEG 56 MIN 14 SEC E FOR 233.18 FT; TH N 31 DEG 57 MIN 02 SEC E FOR 24.82 FT TO A PT OF INTERSEC WITH THE W R/W LN OF 15<sup>TH</sup> ST. E; TH S 00 DEG 21 MIN 43 SEC W ALG SD WR/W LN FOR 32.99 FT TO A PT OF INTERSEC WITH SD EXISTING NLY R/W LN; TH N 89 DEG 35 MIN 41 SEC W ALG SD EXISTING NLY R/W LN FOR 301.90 FT TO THE POB PI#65565.0000/4



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 3rd day of May, 2007.  
R.B. SHORE  
Clerk of Circuit Court  
By: Diane E. Vollmer, S.C.

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R. B. SHORE



2007 MAY 14 PM 4: 39

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

May 9, 2007

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

Attn: 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 May 3, 2007, and certified copies of Manatee County Ordinance Nos. Z-07-04, Z-07-09, PDR-03-53(P)(R2) and PDC- 06-07(Z)(P), which were filed in this office on May 7, 2007.

As requested, one date stamped copy is being returned for your records.

Sincerely,

A handwritten signature in black ink that reads "Liz Cloud".

Liz Cloud  
Program Administrator

LC/lbh  
Enclosures

DIRECTOR'S OFFICE

R.A. Gray Building • 500 South Bronough Street • Tallahassee, Florida 32399-0250  
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STATE ARCHIVES OF FLORIDA  
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LEGISLATIVE LIBRARY SERVICE  
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ADMINISTRATIVE CODE AND WEEKLY  
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