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2010 MAY 19 PM 1:50

CLERK OF THE CIRCUIT COURT  
MANATEE CO. FLORIDA

**MANATEE COUNTY ZONING ORDINANCE  
PDC-10-03(G) – 5814 18<sup>th</sup> STREET EAST  
DTS #20100021**

**AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF  
MANATEE COUNTY, FLORIDA, REGARDING LAND DEVELOPMENT,  
PERTAINING TO APPROXIMATELY 1.66 ACRES ON THE NORTH SIDE OF  
18<sup>TH</sup> STREET EAST AND WEST OF 60<sup>TH</sup> AVENUE EAST, IN THE PDC  
(PLANNED DEVELOPMENT COMMERCIAL) ZONING DISTRICT; APPROVING  
A GENERAL DEVELOPMENT PLAN FOR A FUTURE GENERAL RETAIL  
SALES USE; SUBJECT TO STIPULATIONS AS CONDITIONS OF APPROVAL;  
SETTING FORTH FINDINGS; PROVIDING A LEGAL DESCRIPTION;  
PROVIDING FOR SEVERABILITY, AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS, MVP Partners, LLC (the "Applicant") filed an application for a General  
Development Plan for approximately 1.66 acres described in Exhibit "A", attached hereto, (the  
"Property") for a future general retail sales use; and**

**WHEREAS, the applicant file a request for Special Approval for a project in the Coastal  
Evacuation Area; and**

**WHEREAS, Planning staff recommended approval of the General Development Plan and  
Special Approval, 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 April 8, 2010 to consider the General Development Plan and Special 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 General Development  
Plan as it relates to the real property described in Exhibit "A" of this Ordinance.

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MANATEE COUNTY, FLORIDA

B. The Board of County Commissioners held a duly noticed public hearing on April 27, 2010 regarding the proposed General Development 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 General Development 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 General Development Plan and as conditioned herein, will have no significant detrimental impacts on natural resources, adjacent land uses, or public facilities.

**Section 2. GENERAL DEVELOPMENT PLAN.** The General Development Plan is hereby approved for a future general retail sales use upon the Property subject to the following Stipulations:

### **STIPULATIONS**

#### **A. PLANNING CONDITIONS**

1. If the pending vacation of 19<sup>th</sup> Street East is not granted, this project will be required to develop within the limits of the existing boundary. If the vacation is granted, the additional area may be utilized for site development.

#### **B. STORMWATER CONDITIONS**

1. A Drainage Easement from top of bank to top of bank shall be dedicated to Manatee County and be shown on the Preliminary Site Plan and Final Site Plan along the existing ditch along 19<sup>th</sup> Street East within the proposed right-of-way vacation area. Drainage-Maintenance Access Easements shall be on clear and level ground, free of obstructions including landscaping.

#### **C. ENVIRONMENTAL CONDITIONS**

1. Irrigation for landscaping shall use the lowest water quality source available, which shall be identified on the PSP/FSP.

#### **D. MANATEE COUNTY HEALTH DEPARTMENT**

1. Future use of the property shall conform to all to all aspects of the Florida Administrative Code with respect to sanitary sewage disposal and water supply.

**Section 3. SPECIAL APPROVAL.** Special Approval is hereby granted for a project in the Coastal Evacuation Area. This Special Approval shall continue in effect and shall expire

concurrent with the General Development 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 27<sup>th</sup> day of November, 2009.

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

BY:   
Donna G. Hayes, Chairman

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

BY:   
Deputy Clerk



**FILED**  
2010 MAY -3 AM 11:37  
DEPARTMENT OF STATE  
TALLAHASSEE, FLORIDA

**EXHIBIT "A"**

**LEGAL DESCRIPTION**

THAT PORTION OF BLOCK 9, PHILLIPS AND ALLEN SUBDIVISION, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 1, PAGE 308, OF THE PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA LYING SOUTH OF U.S. 301 HIGHWAY RIGHT OF WAY.



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 28<sup>th</sup> day of April, 2010

R.B. SHORE  
Clerk of Circuit Court

By: Leola J. [Signature] AC.



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## FLORIDA DEPARTMENT OF STATE

**CHARLIE CRIST**  
Governor

**STATE LIBRARY AND ARCHIVES OF FLORIDA**

CLERK OF THE CIRCUIT COURT  
**DAWN K. ROBERTS**  
Interim Secretary of State

May 4, 2010

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

Attention: Ms. Vicki Tessmer, Deputy Clerk

Dear Mr. Shore:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your letters dated April 28, 2010 and certified copies of Manatee County Ordinance Nos. 10-27, PDC-10-03 (G), PDR-99-02/PSP-09-17, and 10-33, which were filed in this office on May 3, 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  
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