

FILED FOR RECORD
R. B. SHORE

MANATEE COUNTY ZONING ORDINANCE
PDC-11-04(Z)(P) – LAWRENCE AND SALLY REAGAN/PLAZA
EAST DTS#20110027

2011 SEP 12 AM 10:58

2011 SEP -6 PM 11:12
TALLAHASSEE, FLORIDA

CLERK OF THE CIRCUIT COURT
MANATEE COUNTY, FLORIDA

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, REGARDING LAND DEVELOPMENT, AMENDING THE OFFICIAL ZONING ATLAS (ORDINANCE 90-01, THE MANATEE COUNTY LAND DEVELOPMENT CODE), RELATING TO ZONING WITHIN THE UNINCORPORATED AREA; PROVIDING FOR A REZONE OF APPROXIMATELY 2.9 ACRES ON THE SOUTH SIDE OF S.R.64 EAST, APPROXIMATELY 2,052 FEET WEST OF LAKEWOOD RANCH BOULEVARD AT 10208 S.R. 64 EAST, BRADENTON, FROM A-1 (SUBURBAN AGRICULTURE, ONE DWELLING UNIT PER ACRE) TO THE PDC (PLANNED DEVELOPMENT COMMERCIAL) ZONING DISTRICT; APPROVING A PRELIMINARY SITE PLAN FOR 21,800 SQUARE FEET FOR A COMMERCIAL CENTER TO INCLUDE A MOTOR VEHICLE REPAIR ESTABLISHMENT AND RESTAURANT; SUBJECT TO STIPULATIONS AS CONDITIONS OF APPROVAL; SETTING FORTH FINDINGS; PROVIDING A LEGAL DESCRIPTION; PROVIDING FOR SEVERABILITY, AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Lawrence and Sally Reagan (the "Applicants") filed an application to rezone approximately 2.9 acres described in Exhibit "A", attached hereto, (the "property") from A-1 (Suburban Agriculture, one dwelling unit per acre) to the PDC (Planned Development Commercial) Zoning District; and

WHEREAS, the applicant also filed a Preliminary Site Plan application for 21,800 square feet for a commercial center to include a motor vehicle repair establishment and restaurant (the "project") on the property; and

WHEREAS, the applicant also filed a request for Specific Approval for alternatives to Sections 714.8.7 and 715.3.1.d of the Land Development Code; and

WHEREAS, Planning staff recommended approval of the rezone, Preliminary Site Plan, and Specific 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 August 11, 2011 to consider the rezone, Preliminary Site Plan, and Specific Approval, 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, 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 A-1 (Suburban Agriculture, one dwelling unit per acre) to the PDC (Planned Development Commercial) Zoning District.

B. The Board of County Commissioners held a duly noticed public hearing on September 1, 2011 regarding the 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 Manatee County Comprehensive Plan.

D. Notwithstanding the failure of this plan to comply with the requirements of LDC Section 714.8.7, the Board finds that the purpose of the LDC regulation is satisfied to an equivalent degree by the proposed design because the required number of trees and canopy will be provided.

E. Notwithstanding the failure of this plan to comply with the requirements of LDC Section 715.3.1.d, the Board finds that the purpose of the LDC regulation is satisfied to an equivalent degree because the site plan shows a superior landscape design which meets the intent of the LDC.

Section 2. PRELIMINARY SITE PLAN. The Preliminary Site Plan is hereby approved for a 21,800 square feet commercial center to include a motor vehicle repair establishment and restaurant upon the property subject to the following Stipulations:

STIPULATIONS

A. DESIGN AND LAND USE CONDITIONS:

1. At time of the first Final Site Plan approval, a unified architectural theme for the commercial project shall be approved and applied to all commercial buildings.
2. All roof mounted HVAC equipment shall be screened from view from adjacent roadways. Screening shall consist of similar colors and materials consistent with the construction of

the exterior finish of the buildings. Details of screening shall be submitted with the Final Site Plan.

3. All dumpsters shall be screened from view from S.R. 64 East. Screening shall consist of building materials matching the principal buildings on site.
4. Prior to Final Site Plan approval, an Easement Agreement for cross access with adjacent properties to the east and west shall be required.

B. ENVIRONMENTAL CONDITIONS:

1. A copy of the Environmental Resource Permit (ERP) approved by SWFWMD shall be submitted to the Environmental Planning Division for review prior to Final Site Plan approval.
2. A Conservation Easement for the areas defined as post-development jurisdictional wetlands or wetland buffers and upland preservation areas shall be dedicated to the County prior to or concurrent with Final Site Plan approval.
3. The project shall be designed so that no temporary wetland buffer impacts, other than those allowed by LDC Section 719.11.1.2, are required in areas that contain native desirable vegetation. This shall be reviewed and approved by the Environmental Planning Division of the Building and Development Services Department with the Final Site Plan.
4. Tree barricades for trees to be preserved shall be located at the drip line, unless approved by the Environmental Division of the Building and Development Services Department. The drip line shall be defined as the outer branch edge of the tree canopy. The area within the drip line shall remain undisturbed. The following activities are prohibited within the drip line of preserved trees: machinery and vehicle travel or parking; underground utilities; filling or excavation; storage of construction materials. The tree protection barricades shall consist of chain link fence (new or used) with a minimum 5' height, unless otherwise approved by the Building and Development Services Department.

Section 3. SPECIFIC APPROVAL. Specific Approval is hereby granted for alternatives to Sections 704.8.7 and 715.3.1.d of the Land Development Code. The 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. 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 classification of the property identified in Exhibit "A" herein from A-1 (Suburban Agriculture, one dwelling unit per acre) 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 Building and Development Services Department, are hereby instructed to cause such amendment to the Official Zoning Atlas.

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, clause, sentence, 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. 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 7. 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 1st day of September, 2011.

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

BY: 
Carol Whitmore, Chairman



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

BY: 
Deputy Clerk

EXHIBIT "A"

LEGAL DESCRIPTION

Lots 14, 15, 16, 17, Richland Farms, as per plat thereof recorded in Plat Book 6, Page 63, of the Public Records of Manatee County, Florida. Less and except that portion taken for State Road 64 right of way as described in Deed Book 316, Page 117 and in Official Records Book 2087, Page 4666, of the Public Records of Manatee County, Florida.



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 1st day of

September, 2011.

R.B. SHORE
Clerk of Circuit Court

By: Deane E. Volman etc.



FLORIDA DEPARTMENT of STATE

DIVISION OF LIBRARY AND INFORMATION SERVICES

RICK SCOTT
Governor

FILED FOR RECORD
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CLERK OF THE CIRCUIT COURT
MANATEE CO. FLORIDA

KURT S. BROWNING
Secretary of State

September 7, 2011

Honorable R. B. "Chips" Shore
Clerk of the 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 September 1, 2011 and certified copies of Manatee County Ordinance Nos. 11-13 and PDC-11-04(Z)(P), which were filed in this office on September 6, 2011.

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

Sincerely,

A handwritten signature in cursive script that reads "Liz Cloud".

Liz Cloud
Program Administrator

LC/vm

Enclosure



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