

MANATEE COUNTY ZONING ORDINANCE
PDC-11-16(Z)(G) – 8154 LLC/BAYSIDE PET RESORT - DTS20100291

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 THE REZONING OF APPROXIMATELY 3.24± ACRES ON THE WEST SIDE OF U.S. 41, AT 8154 N. TAMIAMI TRAIL, BRADENTON FROM GC/AI (GENERAL COMMERCIAL/AIRPORT IMPACT OVERLAY) AND RSF-3 (RESIDENTIAL SINGLE-FAMILY – 3 DWELLING UNITS PER GROSS ACRE) TO THE PDC/AI (PLANNED DEVELOPMENT COMMERCIAL/AIRPORT IMPACT OVERLAY) AND PDC (PLANNED DEVELOPMENT COMMERCIAL) ZONING DISTRICT; APPROVE A GENERAL DEVELOPMENT PLAN FOR USE OF AN EXISTING COMMERCIAL BUILDING FOR A KENNEL; SUBJECT TO STIPULATIONS AS CONDITIONS OF APPROVAL; SETTING FORTH FINDINGS; PROVIDING A LEGAL DESCRIPTION; PROVIDING FOR SEVERABILITY, AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, 8154, LLC (the “Applicants”) filed an application to rezone approximately 3.24 acres described in Exhibit “A”, attached hereto, (the “property”) from GC/AI (General Commercial/Airport Impact Overlay) and RSF-3 (Residential Single-Family – 3 Dwelling Units per Gross Acre) to the PDC/AI (Planned Development Commercial/Airport Impact Overlay) and PDC (Planned Development Commercial) zoning district; and

WHEREAS, the applicant also filed a General Development Plan application for use of an existing commercial building for a kennel (the “project”) on the property; and

WHEREAS, the applicant also filed a request for Special Approval for a project located in the Entranceway; and

WHEREAS, the applicant also filed a request for Specific Approval for alternatives to Sections 715.3.2.c.2, 715.3.1.d, and 737.5.1.1 of the Land Development Code; and

WHEREAS, Planning staff recommended approval of the rezone, General Development Plan, Special Approval, 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 December 8, 2011 to consider the rezone, General Development Plan, Special Approval, and Specific 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, 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 GC/AI (General Commercial/Airport Impact Overlay) and RSF-3 (Residential Single-Family – 3 Dwelling Units per Gross Acre) to the PDC/AI (Planned Development Commercial/Airport Impact Overlay) and PDC (Planned Development Commercial) zoning district.

B. The Board of County Commissioners held a duly noticed public hearing on December 20, 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. For the purposes of granting Special Approval, the Board finds that the project, as detailed on the Preliminary Site Plan and as conditioned herein, will have no significant detrimental impacts on natural resources, adjacent land uses, or public facilities.

E. Notwithstanding the failure of this plan to comply with the requirements of LDC Section 715.3.2.c.2, the Board finds that the purpose of the LDC regulation is satisfied to an equivalent degree by the proposed design because screening is already or will be achieved in these locations, or there are existing improvements in place to prevent placement of screening buffers and materials which would necessitate removal of the improvements.

F. 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 by the proposed design because the project is considered redevelopment and the required vehicle use landscape island is being provided within the roadway buffer planting area along with required planting materials.

G. Notwithstanding the failure of this plan to comply with the requirements of LDC Section 737.5.1.1, the Board finds that the purpose of the LDC regulation is satisfied to an equivalent degree by the proposed design because the project is considered redevelopment and the required planting area and required planting materials will be provided in accordance with the LDC, only

they will be in a slightly different configuration.

Section 2. GENERAL DEVELOPMENT PLAN. The General Development Plan is hereby approved for the use of an existing commercial building for a kennel subject to the following Stipulations:

STIPULATIONS

A. DESIGN AND LAND USE CONDITIONS:

1. There shall be no individual outdoor kennel/boarding runs in the vacant existing grassed area behind the building. This area shall remain vacant.
2. The outdoor pet area attached to the back side of the building, running north to south the full width of the lot, shall be fenced and used for exercise/play and bathroom relief area.
3. The proposed fenced in area for exercise, play and relief shall be moved approximately 7 feet closer to the west side/back side of the building to ensure a 200 foot separation between the kennel area and residential area.
4. The entrance gates/fence along the east, running from the southern property line extending north to the edge of payment, shall be a six foot (6') solid/opaque fence.
5. Access to/from the site shall be determined by the Florida Department of Transportation (FDOT). If the existing driveways are closed or relocated, the proposed landscaping, parking and traffic circulation as shown on this general development plan may need to be reconfigured. Any reconfiguration will be addressed at the Final Site Plan stage.
6. A noise mitigation plan shall be approved by the County prior to the Final Site Plan to ensure compatibility with adjoining properties.

B. ENVIRONMENTAL CONDITIONS:

1. Landscaping within the roadway buffer planting area may be planted in an informal arrangement with trees planted towards the west side of the planting area at a quantity equal to 1 tree every 30 feet. Shrubs may be planted in informal groupings, in lieu of a hedge, as long as the 60% opacity at 5 feet is achieved within 3 years of planting.
2. Hedge material in the amount of 33 shrubs per 100 linear feet shall be provided within the north buffer, on the inside of the chain link fencing within the 20' portion of the buffer and outside of the chain link fencing within the 10' portion of the buffer, in accordance with Section 715.3.2.c.2 of the LDC.
3. Landscape material within the west 35' buffer shall include 1 canopy tree every 50', 4 understory trees per 100 linear feet and 33 shrubs per 100 linear feet, all placed inside the chain link fence.

4. Tree barricades for trees to be preserved shall be located at the drip line, unless approved by the Environmental Planning Division. 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. Tree protection methodology shall be approved with the Final Site Plan.

Section 3. SPECIAL AND SPECIFIC APPROVALS. Special Approval is hereby granted for a project located in the Entranceway. The Special Approval shall continue in effect and shall expire concurrent with the General Development Plan for the project approved pursuant to Section 2 hereof. Specific Approval is hereby granted for alternatives to Sections 715.3.2.c.2, 715.3.1.d and 737.5.1.1 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 GC/AI (General Commercial/Airport Impact Overlay) and RSF-3 (Residential Single-Family – 3 Dwelling Units per Gross Acre) to the PDC/AI (Planned Development Commercial/Airport Impact Overlay) and 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 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 not become effective until such time as the companion Comprehensive Plan Amendment PA11-04, as adopted by Ordinance No. 11-046, becomes effective.

PASSED AND DULY ADOPTED, by the Board of County Commissioners of Manatee County, Florida on the 20th day of December, 2011.

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

BY: _____

Carol Whitmore
Carol Whitmore, Chairman

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

BY: _____

R. B. Shore
Deputy Clerk



EXHIBIT "A"

LEGAL DESCRIPTION

FROM THE SE COR OF LOT 22 OF TUXEDO PARK SUB, AS PER PLAT THEREOF REC IN PB 10 PG 96 OF PRMCF, RUN N 00 DEG 00 MIN 30 SEC W, ALG THE ELY BDY OF SD SUB, A DIST OF 289.90 FT; TH N 74 DEG 34 MIN 24 SEC E, ALG THE SLY BDY OF LOT 10 OF SD SUB AND THE SLY LN OF RECREATION AREA SHOWN THEREON, A DIST OF 78.81 FT FOR A POB; TH CONT N 74 DEG 34 MIN 24 SEC E, ALG SD SLY LN, A DIST OF 304.78 FT TO THE SE COR OF SD RECREATION AREA; TH N 27 DEG 09 MIN 37 SEC W, ALG THE ELY LN OF SD RECREATION AREA, A DIST OF 93.54 FT TO THE NW COR OF THAT CERTAIN PARCEL OF LAND AS DESC IN OR 1340/3999 OF SD PUBLIC RECORDS; TH N 67 DEG 17 MIN 58 SEC E, ALG THE NLY LN OF SD PARCEL, ALSO BEING THE SLY LN OF THAT CERTAIN PARCEL OF LAND AS DESC IN OR 783/421, OF SD PUBLIC RECORDS, A DIST OF 294.52 FT TO A PT ON THE WLY R/W LN OF SR 45 (US HWY 41; NORTH TAMiami TRAIL) AS SHOWN ON THE FDOT R/W MAP, SEC NO 1301-(117)-(201)119; TH N 26 DEG 54 MIN 00 SEC W, ALG SD WLY R/W LN, A DIST OF 48.96 FT TO THE PT OF CURVATURE OF A CURVE, CONCAVE TO THE NE, HAVING A RAD OF 1970.08 FT; TH NWLY, ALG THE ARC OF SD CURVE AND SD R/W LN, THROUGH A C/A OF 04 DEG 24 MIN 44 SEC, A DIST OF 151.71 FT (CHORD = 151.67 FT; CB « N 24 DEG 41 MIN 38 SEC W) TO A PT ON THE SLY LN OF THAT CERTAIN PARCEL OF LAND AS DESC AND REC IN OR 411/505 OF SD PUBLIC RECORDS; TH S 67 DEG 11 MIN 13 SEC W, ALG SD SLY LN AND THE SLY LN OF THAT CERTAIN PARCEL OF LAND AS DESC AND REC IN DB 287/549 OF SD PUBLIC RECORDS, A DIST OF 599.90 FT TO THE NE COR OF LOT 6 OF AFOREMENTIONED TUXEDO PARK SUB; TH S 27 DEG 08 MIN 24 SEC E, ALG THE ELY LN OF SD LOT 6 AND THE ELY LN OF THE AFOREMENTIONED RECREATION AREA AS MONUMENTED, A DIST OF 199.83 FT; TH S 27 DEG 08 MIN 24 SEC E, ALG SD ELY LN AS MONUMENTED, A DIST OF 3.26 FT TO A PERMANENT REFERENCE MONUMENT AS NOTED ON SD PLAT; TH S 26 DEG 33 MIN 34 SEC E, ALG SD ELY LN, A DIST OF 51.54 FT TO THE POB; (OR 2244/5344), PI#68237,0005/9



Manatee County

R.B. "Chips" Shore

Clerk of the Circuit Court and Comptroller

P.O. Box 25400 • Bradenton, Florida 34206 • (941) 749-1800 • FAX (941) 741-4082 • www.manateesclerk.com

December 21, 2011

Florida Department of State
Attn: Liz Cloud, Chief
Administrative Code Unit
R.A. Gray Building, Room 101
500 S. Bronough Street
Tallahassee, Florida 32399-0250

Dear Ms. Cloud:

Enclosed are two certified copies of Ordinances 11-46, 11-51, and PDC-11-16(Z)(G) adopted by the Board of County Commissioners, Manatee County, Florida, in open session on December 20, 2011. Please stamp both copies with the date filed by the Office of the Secretary of State, retain one copy for your file and return one copy to my office.

Sincerely,

R. B. Shore
By: Maggie Riester

RBS: mr
Enclosures

"Pride in Service with a Vision for the Future"

Clerk of Circuit and County Court - Clerk of Board of County Commissioners - County Comptroller - Auditor and Recorder