

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 PR-M (PROFESSIONAL-MEDIUM), RSF-4.5 (RESIDENTIAL SINGLE FAMILY 4.5 DU/ACRE) AND CRV (COMMERCIAL RECREATIONAL VEHICLE) TO PDC (PLANNED DEVELOPMENT COMMERCIAL); PROVIDING AN EFFECTIVE DATE; AND APPROVAL OF A GENERAL DEVELOPMENT PLAN TO ALLOW A 60,187 SQUARE FOOT GROCERY STORE.

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 PR-M (Professional-Medium), RSF-4.5 (Residential Single Family 4.5 du/acre) and CRV (Commercial Recreational Vehicle) to PDC (Planned Development Commercial).

B. The said Board of County Commissioners held a public hearing on September 26, 1996, 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 a 60,187 sq. ft. grocery store with the following stipulations:

STIPULATIONS:

1. The building shall be limited to 60,187 sq. ft.
2. Deliveries to the store shall be limited to the hours of 7:00 a.m. to 8:00 p.m.
3. The masonry screening wall as shown shall be eight (8) feet in height, and shall be along the entire southern and eastern property lines. With County approval, wall placement and construction may be varied for tree preservation provided it is continuous.
4. The exterior wall of the rear of the store shall have a similar facade to the front of the building.
5. The trees utilized for screening along the southern and eastern property lines shall be a minimum of 10 to 12 feet in height, and shall be shown on the Final Site Plan.
6. The Landscape Plan shall indicate an additional ten trees along both the southern and eastern property lines.
7. All signs shall undergo a separate administrative review for approval.
8. The Final Plat shall indicate a cross access easement for the outparcel.
9. A striped pedestrian crossing, from the end of every other drive aisle to the building, shall be shown on the Final Site Plan.
10. There shall be no truck parking between the building and the rear property line except for active unloading.

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11. There shall be no consumption on premises of alcoholic beverages within this project.
12. A mansard roof, or other screening alternative, shall be provided along the rear facade of the building to screen and buffer air handlers and other roof mounted equipment.
13. The truck wells on the rear side of the grocery store shall be depressed in order to reduce truck noise and visual impacts.
14. An additional five (5) feet of landscaping buffer shall be provided along the southern property line.
15. Signs shall be installed at the east and west ends of the buildings stating "Delivery Vehicles Only". Rumble strips shall be installed adjacent to the south side of the building to discourage through traffic.
16. There is no approval for any development on the outparcel.

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 PR-M (Professional-Medium), RSF-4.5 (Residential Single Family 4.5 du/acre) and CRV (Commercial Recreational Vehicle) 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.

SECTION 13 TOWNSHIP 35S RANGE 17E

THE N 105 FT OF THE S 232.4 FT OF THE E 187.9 FT OF THE W 227.9 FT OF NW1/4 OF THE NW1/4 OF THE NE1/4 SEC 13; CONTAINING .453 AC M/L AS DESC IN OR 1088 P 2726 PRMCF PI#57414.0015/3

THE N 105 FT OF S 127.4 FT OF THE E 187.9 FT OF THE W 227.9 FT OF THE NW1/4 OF NW1/4 OF THE NE1/4 SEC 13; CONTAINING .453 AC M/L AS DESC IN OR 1002 P 3608 PRMCF PI#57414.0020/3

W1/2 OF NW1/4 OF NW1/4 OF NE1/4 LESS E 105 FT, SW1/4 OF NW1/4 OF NE1/4 LESS APPROX 4.6 AC DESC IN ORB 51 P 576 TO KECK; LESS PARCEL TO WALTON DESC IN ORB 126 P 527 PUB REC MAN CO, FLA LESS RD R/W OFF W LESS LAND DESC IN ORB 591 P 294; LESS LAND DESC IN ORB 901 P 854; LESS LAND DESC IN ORB 943 P 1360; LESS LAND DESC IN OR 998 P 103; LESS LAND DESC IN OR 1002 P 3606; LESS LAND DESC IN OR 1002 P 3607 LESS LAND DESC IN OR 1002 P 3608; LESS LAND DESC IN OR 1002 P 3609 PRMCF P-4-N PI#57414.0000/0

COM AT NW COR OF NE1/4 OF SEC 13; TH 2 89 DEG 50 MIN 47 SEC E, 40 FT, TH S 00 DEG 11 MIN 35 SEC E, 33 FT; TO THE POB; S 89 DEG 50 MIN 47 SEC E, 187.9 FT; TH S 00 DEG 11 MIN 35 SEC E, 242 FT; TH N 89 DEG 50 MIN 47 SEC W, 187.9 FT; TH N 00 DEG 11 MIN 57 SEC W, 242 FT TO THE POB; BEING FURTHER DESC IN ORB 189 P 846 PRMCF SUBJ TO UTY EASMT OVER E 10 FT; ALSO LESS RD R/W DESC AS FOLLOWS; COM AT NW COR OF NE 1/4 SEC 13; TH S 00 DEG 18 MIN 05 SEC E 33 FT TO PT ON ARC OF CURVE OF EXT S R/W LN OF 53RD AVE E, CONCAVE TO NE WHOSE RAD PT BEARS N 00 DEG 16 MIN 42 SEC E AT 24764.99 FT; TH ELY ALG SD CURVE, 40 FT, THRU A C/A OF 00 DEG 05 MIN 33 SEC, TO PT OF INTER OF S R/W LN OF 53RD AVE E & E R/W LN OF 9TH ST E BEING POB; TH CONT ELY ALG SD CURVE & (DP#57414.0005/4)

E 105 FT OF W 1/2 OF NW1/4 OF NW1/4 OF NE1/4 P-7-N PI#57427.0000/7

E1/2 OF NW1/4 OF NW1/4 OF NE1/4 LESS E 73 FT & LESS RD R/W ON NORTH P-8-N PI#57429.0000/3

THE S 22.4 FT OF E 150 FT OF W 190 FT of NW 1/4 OF NW 1/4 OF NE 1/4 & THE N 82.6 FT OF E 150 FT OF W 190 FT OF SW 1/4 OF NW 1/4 OF NE 1/4 OF SEC 13 AS DESC IN ORB 901 P 854; ALSO COM AT THE NW CORNER OF THE NE 1/4 OF SEC 13; TH S 89 DEG 50 MIN 47 SEC E 227.9 FT; TH S 00 DEG 11 MIN 35 SEC E 644.89 FT FOR POB; TH CONT S 00 DEG 11 MIN 35 SEC E 105 FT; TH N 89 DEG 55 MIN 25 SEC W 37.62 FT; TH N 00 DEG 11 MIN 57 SEC W 105 FT; TH S 89 DEG 55 MIN 25 SEC E 37.63 FT TO POB AS DESC IN OR 1002 P 3609 PRMCF PI#57414.1005/3

THE N 50' OF THE S 1/2 OF W 1/2 OF NW 1/4 OF NE 1/4 OF SEC 13 LESS THE W 360 FT & ALSO: BEG 360 FT E OF THE NW CORNER OF S 1/2 OF W 1/2 OF NW 1/4 OF THE NE 1/4 OF SEC 13;

THENCE RUN W 142 2/3 FT; THENCE RUN S 50 FT; THENCE RUN E 142 2/3 FT; THENCE RUN N 50 FT TO THE P.O.B. ALL AS DESCRIBED IN ORB 624, P 964 PI#57417.0000/8

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 26th day of September, 1996.

BOARD OF COUNTY COMMISSIONERS
OF MANATEE COUNTY, FLORIDA

BY: Sean Stephen
Chairman

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

Judy Keller
D.C.

STATE OF FLORIDA COUNTY OF MANATEE
I hereby certify that the foregoing is a true
copy of ORDINANCE NO. PDC-96-04(Z)(G) adopted by the
Board of County Commissioners of said County on
the 26 day of Sept., 1996, this Am day
of October 1996, in Bradenton, Florida.

R. B. Shore
Clerk of Circuit Court
By: Jerry Roal D.C.

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RINGLING MUSEUM OF ART

October 7, 1996

Honorable R. B. Shore
Clerk to Board of County Commissioners
Manatee County
Post Office Box 1000
Bradenton, Florida 34206

Attention: Susan G. Romine, Deputy Clerk

Dear Mr. Shore:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge your letters of October 2, 1996 and certified copy each of Manatee County Ordinance Nos. 96-43, PDC 96-04(Z)(G), PDPI-96-03 (Z)(P), PDR-96-02(Z)(G), PDR-96-05(Z)(P), and PDR-96-10(Z)(P), which were filed in this office on October 7, 1996.

The duplicate copy of each showing the filing date is being returned for your records.

Sincerely,

Liz Cloud, Chief
Bureau of Administrative Code

LC/mw

Enclosures

FILED FOR RECORD
R.B. SHORE
CLERK TO BOARD OF COUNTY COMMISSIONERS
MANATEE COUNTY
OCT 9 10 35 AM '96