

MANATEE COUNTY ZONING ORDINANCE  
PDC-97-06(Z)(G) - ESTATE OF IMOGENE MCLEOD  
& RAE REASONER TRUST/ROYAL PALM CROSSING

SECRETARY OF STATE

Dec 9 3 14 PM '97

FILED

FILED FOR RECORD  
R.B. SHORE  
CLERK CIRCUIT COURT  
MANATEE CO. FLORIDA

Dec 15 2 23 PM '97

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 CONSISTING OF 1.2 ACRES FROM RSF-4.5 (RESIDENTIAL SINGLE FAMILY, 4.5 DWELLING UNITS PER ACRE) TO PDC (PLANNED DEVELOPMENT COMMERCIAL); PROVIDING AN EFFECTIVE DATE; AND APPROVAL OF A GENERAL DEVELOPMENT PLAN TO ALLOW A TOTAL OF 252,100 SQUARE FEET OF COMMERCIAL SPACE, GRANTING SPECIAL APPROVAL FOR A PROJECT EXCEEDING .25 FAR.

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 consisting of 1.2 acres from RSF-4.5 (Residential Single Family, 4.5 dwelling units per acre) to PDC (Planned Development Commercial).

B. The said Board of County Commissioners held a public hearing on December 2, 1997 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 total of 252,100 square feet of commercial space, granting Special Approval for a project exceeding .25 FAR, with the following stipulations:

STIPULATIONS

1. The maximum allowable height for all structures shall be as follows:  
Development pod #1: 46' (per elevation)  
Development pods #2-6: 35'  
Development pod #7: 30'
2. The following uses will not be permitted on any development pod on this site: agricultural uses, mobile home/RV sales or rental, motor vehicle sales or rental, towing services or storage, commercial parking, outdoor advertising signs, flea markets, industrial services, RV park, construction services, lawn care, landscaping, sign painting, taxi-cab or limousine, or utility uses.
3. In addition to the prohibited uses noted in Stipulation #2, the following uses will not be permitted on development pods #5 and #7: building materials

establishment, hotels, wholesale trade, mini-warehouse, gas pumps, service station, or motor vehicle repair. Additionally, drive-through restaurants shall not be permitted on development pod #7.

4. There shall be no outdoor bells, loud speakers, or outdoor music utilized on this site, with the exception of alarms.
5. If drive-through facilities are located on either development pod #5 or #7, required screening along 24th Street East shall be increased, at a minimum, to a six foot high hedge at time of planting to be located on top of the 3' planting berm. Additional screening requirements may be required at time of Final Site Plan review to ensure protection of adjoining properties from the impact of vehicle lights, noise, and activity.
6. The exterior wall of the rear and sides of buildings facing U.S. 301, S.R. 70, 51st Avenue East, or 24th Street East shall have a similar facade to the front of the building. Elevation drawings and architectural renderings from the appropriate angle shall be required with Final Site Plan submittals, and these shall be part of the Final Site Plan approval. If staff and the developer cannot agree on the facade, staff will schedule a hearing before the Board of County Commissioners for their determination on the issue.
7. Any loading areas facing 24th Street East, S.R. 70, U.S. 301, or 51st Avenue East shall not be visible from the adjacent street.
8. No roof-mounted HVAC equipment shall be allowed unless screened from view from surrounding properties and public roadways.
9. At such time as access to 24th Street East to serve the project is available and 24th Street East is constructed, the developer shall construct a driveway connection suitable to serve the project. Direct access to and from SR 70 will be reduced to one right turn-in/right turn-out driveway at such time that a driveway connection suitable to serve the project to 24th Street East providing access to SR 70 is constructed. The location of access to SR 70 shall be determined and approved by FDOT prior to Final Site Plan approval.
10. Prior to Final Site Plan approval, a non-ingress and egress easement, acceptable to Manatee County, shall be provided for development pods #1-3 along U.S. 301 and for development pods #5 and #7 along 24th Street East, north of the southern right-of-way line of 52nd Avenue.
11. The westernmost driveway along 51st Avenue East shall be located at least 15' east of the western property line of the Reasoner property to the north across 51st Avenue East (DP# 16728.0005/7). This driveway location is to be approved by the Growth Management Division during the construction plan approval process.
12. The 5' sidewalk along the south side of 51st Avenue East from U.S. 301 to 22nd Street East shall be installed prior to issuance of a Certificate of Occupancy for the theaters. Off-site improvements shall be creditable as allowed by the Land Development Code.
13. Internal driveway location for development pods #2-#7 will be approved through the Construction Plan approval process.
14. A Certificate of Level of Service (CLOS) shall be approved and issued for development pods #2-#7 prior to approval of each Final Site Plan. The applicant shall comply with all traffic conditions as noted in the Certificate of Level of Service compliance.

15. The applicant shall present a table showing the breakdown of proposed and as-built square footage on each lot at each Preliminary Site Plan, Final Site Plan, or Final Plat application. The total square footage for individual parcels shall not exceed the maximums listed on the General Development Plan and Preliminary Site Plan and the total for the entire site shall not exceed 252,100 square feet of commercial use at a .23 FAR. At the time that the applicant demonstrates that the .23 FAR has been reached, any remaining development pods will be converted to common open space.
  16. Dumpster locations are not approved at this time. Specific locations for the dumpsters will be approved with Final Site Plans.
  17. In order to assure that a third driveway to SR 70 is not needed, and to facilitate internal traffic circulation, the developer shall make available a cross access easement to the outparcels located on SR 70 currently owned by FDOT, to provide access between the outparcels and SR 70 and between the outparcels and this project, upon either of the following two events:
    - (a) Upon FDOT granting cross access easements to this property, across the westernmost FDOT parcel, to SR 70.
    - (b) Upon developer receiving approval of, and constructing a second driveway to SR 70.
- Notwithstanding (a) and (b) above, cross access shall be reviewed and may be required by the Planning Department with the Final Site Plan for development pods 3 and 6.
18. Development on pod #1 shall be in substantial conformance with the elevation drawings submitted into the record.
  19. If 24th Street East is constructed, sidewalks shall be provided along the east side of 24th Street East between 51st Avenue and SR 70 as the adjacent pods are developed.

**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 consisting of 1.2 acres from RSF-4.5 (Residential Single Family, 4.5 dwelling units per acre) 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.**

THE EAST 1/2 OF THE SOUTH 396 FEET OF THE EAST 1/2 OF THE WEST 1/2 OF THE SOUTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 7, TOWNSHIP 35 SOUTH, RANGE 18 EAST, MANATEE COUNTY, FLORIDA, LESS ROAD RIGHT OF WAY AS DESCRIBED IN DEED BOOK 375, PAGE 545, O.R. BOOK 820, PGE 530, O.R. BOOK 1443, PAGE 3328, OF THE PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA.

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 2nd day of December, 1997.

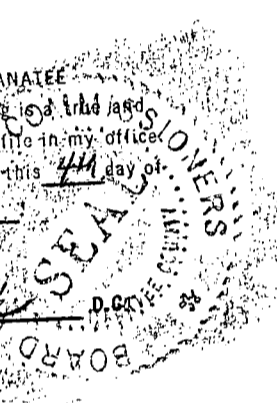
BOARD OF COUNTY COMMISSIONERS  
OF MANATEE COUNTY, FLORIDA

BY: Patricia M. Glass  
Chairman

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

R. B. Shore

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 4th day of December 1997.  
R. B. SHORE  
Clerk of Circuit Court  
By: James Cook



**DIVISIONS OF FLORIDA DEPARTMENT OF STATE**

Office of the Secretary  
Office of International Relations  
Division of Administrative Services  
Division of Corporations  
Division of Cultural Affairs  
Division of Elections  
Division of Historical Resources  
Division of Library and Information Services  
Division of Licensing



**FLORIDA DEPARTMENT OF STATE**

**Sandra B. Mortham**

Secretary of State

DIVISION OF ELECTIONS

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Historic Palm Beach County Preservation Board  
Historic Pensacola Preservation Board  
Historic St. Augustine Preservation Board  
Historic Tallahassee Preservation Board  
Historic Tampa/Hillsborough County  
Preservation Board  
Ringling Museum of Art

December 10, 1997

FILED FOR RECORD  
R.B. SHORE  
CLERK OF CIRCUIT COURT  
MANATEE CO. FLORIDA  
DEC 15 2 23 PM '97

Honorable R. B. Shore  
Clerk to Board of County Commissioners  
Manatee County  
Post Office Box 25400  
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 letter of December 4, 1997 and certified copy of Manatee County Ordinance No. PDC-97-06 (Z) (G), which was filed in this office on December 9, 1997.

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

Sincerely,

Liz Cloud, Chief  
Bureau of Administrative Code

LC/mw

Enclosure

**BUREAU OF ADMINISTRATIVE CODE**

The Elliot Building • 401 South Monroe Street • Tallahassee, Florida 32399-0250 • (904) 488-8427  
FAX: (904) 488-7869 • WWW Address <http://www.dos.state.fl.us> • E-Mail: [election@mail.dos.state.fl.us](mailto:election@mail.dos.state.fl.us)